

1999-2000

**HOUSE
RULES
COMMITTEE**

MINUTES

COMMITTEE ON RULES, CALENDAR AND

OPERATIONS OF THE HOUSE

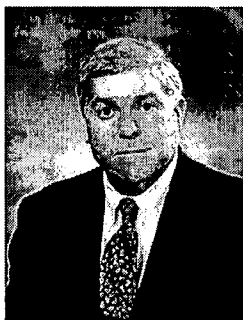
1999 SESSION

REPRESENTATIVE BILL CULPEPPER, CHAIRMAN

REPRESENTATIVE JOE HACKNEY, VICE CHAIRMAN

DOROTHY C. CROCKER, COMMITTEE ASSISTANT

HOUSE COMMITTEE ON RULES,
CALENDAR AND OPERATIONS OF THE HOUSE



Rep. Culpepper
Chairman



Rep. Alexander



Rep. Allen



Rep. Boyd-
McIntyre



Rep. Crawford



Rep. Fitch



Rep. Gibson



Rep. Gulley



Rep. Hill



Rep. Jarrell



Rep. Luebke



Rep. McCombs



Rep. McMahan



Rep. Michaux



Rep. Nye



Rep. Ramsey



Rep. Tolson



Rep. Wood



Rep. Wright



Rep. Yongue

ATTENDANCE

HOUSE COMMITTEE ON RULES, CALENDAR AND OPERATIONS OF THE HOUSE

1999-2000

DATES	2/9	2/10	2/24	3/16	3/31	4/8	4/14	4/15	4/15	4/20	4/21	4/22	4/27	4/28	4/29
Culpepper, Bill, Chairman	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
Hackney, Joe, Vice Chairman	✓	✓	✓				✓		✓	✓		✓			✓
Alexander, Martha	✓	✓	✓	✓		✓	✓		✓	✓	✓	✓	✓	✓	✓
Allen, Gordon	✓	✓			✓	✓	✓		✓	✓	✓	✓	✓	✓	✓
Boyd-McIntyre, Flossie	✓	✓					✓				✓	✓	✓		
Crawford, Jim	✓	✓		✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
Fitch, Milton	✓	✓													✓
Gibson, Pryor	✓	✓	✓		✓	✓			✓			✓	✓	✓	✓
Gulley, Jim	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
Hill, Dewey	✓	✓	✓	✓	✓	✓	✓	✓		✓		✓	✓	✓	✓
Jarrell, Mary	✓	✓	✓	✓		✓	✓		✓			✓		✓	✓
Luebke, Paul	✓	✓	✓				✓		✓		✓			✓	
McCombs, Eugene	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓				✓	✓
McMahan, Edwin	✓	✓	✓		✓		✓	✓	✓	✓				✓	✓
Michaux, Mickey	✓	✓				✓			✓		✓	✓			
Nye, Edd	✓	✓	✓	✓	✓	✓	✓		✓	✓	✓				
Ramsey, Liston	✓	✓	✓		✓		✓		✓	✓		✓			
Tolson, Joe	✓		✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
Wood, Steve	✓												✓		
Wright, Thomas	✓												✓		
Yongue, Douglas	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
Ex officio															
Earle, Beverly, Majority Whip	✓														
Dedmon, Andy, Majority Whip	✓						✓								
Baddour, Phil, Majority Leader	✓														
Cunningham, Pete	✓						✓			✓					

NORTH CAROLINA GENERAL ASSEMBLY
COMMITTEE SUMMARY REPORT

1999-2000 Biennium	HOUSE: RULES, CALENDAR & OPERATIONS OF THE HOUSE	Valid Through 31-AUG-1999
BILL	SHORT TITLE	LATEST ACTION ON BILL
H 5=	INTRODUCTION TO GOVERNOR	HF-POSTPONED INDEFINITELY
H 9	HONORING SCOTLAND COUNTY	*H - ADOPTED
H 14	CEMETERY CONSUMER PROTECTION	*S - REF TO COM ON COMMERCE
H 18	CRIMINAL TAX PENALTY TO HOME COUNTY	H - REF TO COM ON RULES
H 19	CASINO BOATS REGULATED	*S - RE-REF COM ON RULES &
H 20=	AGING STUDY COMM./MEMBERSHIP	H - RE-REF COM ON AGING
H 21=	CLAYTON SATELLITE ANNEXATION	*H - RE-REF COM ON FINANCE
H 23	COMM. COLLEGE SCHOLARSHIP PROGRAM	*H - ASSIGNED TO APP-EDUC
H 24=	MOBILE PHARMACIES	H - RE-REF COM ON HEALTH
H 27=	EMER. SHELTER/HEALTH FACIL. IMMUNITY	H - RE-REF COM ON JUDICII
H 29	RANDOLPH COUNTY LOCAL ACT	HF-POSTPONED INDEFINITELY
H 30	ASHEBORO LOCAL ACT	HF-POSTPONED INDEFINITELY
H 31	SHELBY PRIVATE SALE	R - CH. SL 99-0005
H 34=	LOSE CONTROL LOSE YOUR LICENSE	H - RE-REF COM ON JUDICIV
H 35=	APPROVE TOBACCO SETT. NONPROFIT CORP	H - RE-REF COM ON SLCTTB
H 36=	CHIP CLINICS/REPEAL PROHIBITION	H - RE-REF COM ON HEALTH
H 37	LENOIR/WAYNE CONDEMNATION CONSENT	R - CH. SL 99-0006
H 38	FELONY/STRIKE LAW OFFICER	H - RE-REF COM ON LAWFENF
H 39	D/C PENSION PLAN STUDY	H - REF TO COM ON RULES
H 41	CARTWAY AMENDMENT	H - RE-REF COM ON JUDICI
H 42=	1999 N. C. LOTTERY	H - REF TO COM ON RULES
H 44=	FOREST CITY/ALEXANDER MILLS	*H - RE-REF COM ON FINANCE
H 46	1999 LOTTERY FOR EDUCATION	H - REF TO COM ON RULES
H 48=	HONOR NC BAR ASSOC.	HF-POSTPONED INDEFINITELY
H 50	FAYETTEVILLE TRAFFIC VIOLATIONS	R - CH. SL 99-0017
H 51	PERMANENT HOUSE RULES	*H - ADOPTED
H 57=	MOTOR VEHICLE OCCUPANT RESTRAINTS	*H - RE-REF COM ON JUDICI
H 60=	LONG-TERM CARE SAFETY INITIATIVE	H - REF TO COM ON RULES
H 66	COLUMBUS COUNTY LOCAL ACT-1	HF-POSTPONED INDEFINITELY
H 71	1999 LOTTERY FOR EDUCATION-2	H - REF TO COM ON RULES

NOTES- = AFTER BILL NUMBER SHOWS THAT BILL IS IDENTICAL, AS INTRODUCED, TO ANOTHER BILL.
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BOLDED LINE INDICATES BILL INDEXED AS AFFECTING APPROPRIATIONS.

NORTH CAROLINA GENERAL ASSEMBLY
COMMITTEE SUMMARY REPORT

1999-2000 Biennium		HOUSE: RULES, CALENDAR & OPERATIONS OF THE HOUSE		Valid Through 31-AUG-1999	
BILL	INTRODUCER	SHORT TITLE	LATEST ACTION ON BILL	IN DATE	OUT DATE
H 76	MOORE R	HONORING JOHN REED	R -CH. RES 99-14	02-15-99	03-17-99
H 81	GOODWIN	MUNICIPAL. IN 32ND HOUSE DISTRICT-1	HF-POSTPONED INDEFINITELY	04-20-99	
H 82	GOODWIN	MUNICIPAL. IN 32ND HOUSE DISTRICT-2	HF-POSTPONED INDEFINITELY	04-20-99	
H 83	GOODWIN	MUNICIPAL. IN 32ND HOUSE DISTRICT-3	HF-POSTPONED INDEFINITELY	04-20-99	
H 84	GOODWIN	MONTGOMERY LOCAL ACT	HF-POSTPONED INDEFINITELY	04-20-99	
H 85	GOODWIN	SCOTLAND LOCAL ACT-1	HF-POSTPONED INDEFINITELY	04-20-99	
H 86	GOODWIN	RICHMOND LOCAL ACT-1	HF-POSTPONED INDEFINITELY	04-20-99	
H 87	GOODWIN	RICHMOND SALES TAX USE	*H -RE-REF COM ON FINANCE	04-20-99	04-28-99
H 88	GOODWIN	SCOTLAND LOCAL ACT-2	HF-POSTPONED INDEFINITELY	04-20-99	
H 95	MICHAUX	SMALL LOAN REVISIONS	S -REF TO COM ON JUDICII	04-07-99	04-13-99
H 96	EDWARDS	ADULT CARE HOME/LIC. EXEMPT	R -CH. SL 99-0193	02-17-99	04-13-99
H 98	SUTTON	FOUR YEAR TERMS	*H -RE-REF COM ON RULES	04-23-99	
H 102=	CLARY	STUDY MEDICAID RECOVERY POLICY	H -REF TO COM ON RULES	02-17-99	
H 115	GOODWIN	HONORING NOAH GIBSON	H -ADOPTED	02-22-99	02-25-99
H 118=	REDWINE	COASTAL STUDY	H -REF TO COM ON RULES	02-22-99	
H 119	SUTTON	ECONOMIC DEVELOPMENT EMINENT DOMAIN	*H -RE-REF COM ON RULES	04-22-99	
H 122=	CULPEPPER	STUDY UCC ARTICLE 9	H -REF TO COM ON RULES	02-23-99	
H 123	HAIRE	MUNICIPAL IN 52ND HOUSE DIST.	HF-POSTPONED INDEFINITELY	04-20-99	
H 124	HAIRE	52ND HOUSE DISTRICT LOCAL ACT	HF-POSTPONED INDEFINITELY	02-23-99	
H 134	SHERRILL	BUNCOMBE LOCAL ACT-2	HF-POSTPONED INDEFINITELY	02-23-99	
H 135	SHERRILL	BUNCOMBE LOCAL ACT-1	HF-POSTPONED INDEFINITELY	02-23-99	
H 137	CULP	REAUTHORIZE LRC ON WASTEWATER PERMIT	H -REF TO COM ON RULES	02-24-99	
H 150	OWENS	HONOR L.W. LOCKE	R -CH. RES 99-13	02-25-99	04-20-99
H 150	OWENS	HONOR L.W. LOCKE	R -CH. RES 99-13	04-22-99	06-07-99
H 154	YONGUE	HOKE LOCAL ACT - 1	HF-POSTPONED INDEFINITELY	02-25-99	
H 155	YONGUE	ROBESON LOCAL ACT - 1	HF-POSTPONED INDEFINITELY	02-25-99	
H 156	YONGUE	ROBESON LOCAL ACT - 2	HF-POSTPONED INDEFINITELY	02-25-99	
H 157	YONGUE	SCOTLAND LOCAL ACT - 3	HF-POSTPONED INDEFINITELY	02-25-99	
H 158	YONGUE	HOKE LOCAL ACT - 2	HF-POSTPONED INDEFINITELY	02-25-99	
H 163=	CULPEPPER	1999 STUDIES	*R -CH. SL 99-0395	02-25-99	07-19-99

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1999-2000 Biennium		HOUSE: RULES, CALENDAR & OPERATIONS OF THE HOUSE		Valid Through 31-AUG-1999	
BILL	INTRODUCER	SHORT TITLE	LATEST ACTION ON BILL	IN DATE	OUT DATE
H 179	BROWN	WILKESBORO FIREMAN'S RETIREMENT	*R -CH. SL 99-0056	04-27-99	04-28-99
H 181	CARPENTER J	GENERAL LAW CHANGE - 2	H -REF TO COM ON RULES	03-01-99	
H 182	CARPENTER J	GENERAL LAW CHANGE - 3	H -REF TO COM ON RULES	03-01-99	
H 183	CARPENTER J	MACON COUNTY LOCAL ACT - 1	HF-POSTPONED INDEFINITELY	03-01-99	
H 184	CARPENTER J	MACON COUNTY LOCAL ACT - 2	HF-POSTPONED INDEFINITELY	03-01-99	
H 185	CARPENTER J	CHEROKEE COUNTY LOCAL ACT	HF-POSTPONED INDEFINITELY	03-01-99	
H 186	CARPENTER J	CLAY COUNTY LOCAL ACT	HF-POSTPONED INDEFINITELY	03-01-99	
H 187	CARPENTER J	GENERAL LAW CHANGE - 4	H -REF TO COM ON RULES	03-01-99	
H 200=	CULPEPPER	SLAYER/FORFEITURE OF PROP. RIGHTS	*H -RE-REF COM ON RULES	03-17-99	
H 202=	CULPEPPER	AMEND PROFESSIONAL CORP. ACT	*R -CH. SL 99-0440	07-06-99	
H 205	YONGUE	SCOTLAND LOCAL ACT - 4	HF-POSTPONED INDEFINITELY	03-02-99	
H 206	TUCKER	TOWN OF WALLACE - 2	HF-POSTPONED INDEFINITELY	03-02-99	
H 207	THOMPSON	BURKE COUNTY LOCAL ACT - 3	HF-POSTPONED INDEFINITELY	03-02-99	
H 208	THOMPSON	MITCHELL COUNTY LOCAL ACT - 3	HF-POSTPONED INDEFINITELY	03-02-99	
H 209	THOMPSON	AVERY COUNTY LOCAL ACT - 3	HF-POSTPONED INDEFINITELY	03-02-99	
H 210	THOMPSON	CATAWBA COUNTY LOCAL ACT	HF-POSTPONED INDEFINITELY	03-02-99	
H 211	THOMPSON	CALDWELL COUNTY LOCAL ACT - 3	HF-POSTPONED INDEFINITELY	03-02-99	
H 212	THOMPSON	SPRUCE PINE LOCAL ACT	HF-POSTPONED INDEFINITELY	03-02-99	
H 214	JEFFUS	LAND RECORDS STATUTES TECH. MODS	R -CH. SL 99-0119	03-02-99	03-17-99
H 217	CANSLER	BUNCOMBE LOCAL ACT - 3	HF-POSTPONED INDEFINITELY	03-03-99	
H 218	CANSLER	BUNCOMBE LOCAL ACT - 4	HF-POSTPONED INDEFINITELY	03-03-99	
H 220	REDWINE	RESID. CHILD CARE FACILITIES	H -REF TO COM ON RULES	03-03-99	
H 223	OWENS	STUDY PROP TAX HOMESTEAD EXEMP	H -REF TO COM ON RULES	03-03-99	
H 227	MOSLEY	MOBILE HEALTH OUTREACH	H -REF TO COM ON RULES	03-04-99	
H 228	MOSLEY	STATE EMPLOYEES COMBINED CAMPAIGN	*R -CH. SL 99-0250	03-04-99	04-29-99
H 230	SMITH	ONSLow LOCAL ACT	HF-POSTPONED INDEFINITELY	03-04-99	
H 231	SMITH	ONSLow LOCAL ACT - 2	HF-POSTPONED INDEFINITELY	03-04-99	
H 232	SMITH	CARTERET LOCAL ACT	HF-POSTPONED INDEFINITELY	03-04-99	
H 233	SMITH	CARTERET LOCAL ACT - 2	HF-POSTPONED INDEFINITELY	03-04-99	
H 234	WALEND	LOCAL APPOINTEES MUST BE VOTERS	H -REF TO COM ON RULES	03-04-99	

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1999-2000 Biennium	INTRODUCER	HOUSE: RULES, CALENDAR & OPERATIONS OF THE HOUSE	LATEST ACTION ON BILL	Valid Through 31-AUG-1999
BILL		SHORT TITLE		IN DATE
H 235	DAVIS	FEDERAL FUNDS OVERSIGHT COMMITTEE	H -RE-REF COM ON APPROP	03-04-99
H 240	INSKO	UNC NONAPPROPRIATED CAPITAL PROJECTS	*R -CH. SL 99-0376	03-04-99
H 241	INSKO	UNC-2	H -REF TO COM ON RULES	03-04-99
H 242	INSKO	UNC-3	H -REF TO COM ON RULES	03-04-99
H 243	INSKO	UNC-4	H -REF TO COM ON RULES	03-04-99
H 252	THOMPSON	CONSUMER PROTECTION STUDY	H -REF TO COM ON RULES	03-04-99
H 264	GIBSON	SMALL GAME HUNTING	H -REF TO COM ON RULES	03-04-99
H 265	GIBSON	33RD HOUSE DIST. LOCAL ACT - 1	HF-POSTPONED INDEFINITELY	03-04-99
H 266	GIBSON	33RD HOUSE DIST. LOCAL ACT - 2	HF-POSTPONED INDEFINITELY	03-04-99
H 267	GIBSON	33RD HOUSE DIST. LOCAL ACT - 3	HF-POSTPONED INDEFINITELY	03-04-99
H 268	GIBSON	33RD HOUSE DIST. LOCAL ACT - 4	HF-POSTPONED INDEFINITELY	03-04-99
H 269	GIBSON	MONTGOMERY LOCAL FUNDS	H -REF TO COM ON RULES	03-04-99
H 270	GIBSON	STANLY LOCAL FUNDS	H -REF TO COM ON RULES	03-04-99
H 271	GIBSON	ANSON LOCAL FUNDS	H -REF TO COM ON RULES	03-04-99
H 281	BARBEE	STANLY COUNTY LOCAL ACT	HF-POSTPONED INDEFINITELY	03-04-99
H 282	BARBEE	UNION COUNTY LOCAL ACT	HF-POSTPONED INDEFINITELY	03-04-99
H 285	NYE	MANAGED CARE CHANGES	H -RE-REF COM ON SLCTHC	03-04-99
H 288	WALEND	TRANSYLVANIA COUNTY LOCAL ACT - 1	HF-POSTPONED INDEFINITELY	03-04-99
H 289	WALEND	TRANSYLVANIA COUNTY LOCAL ACT - 2	HF-POSTPONED INDEFINITELY	03-04-99
H 292=	BADDOUR	ROYALL CHILDREN'S VISION PROGRAM	HF-POSTPONED INDEFINITELY	03-04-99
H 295=	HURLEY	FEDERAL PATIENTS' RIGHTS	H -REF TO COM ON RULES	03-04-99
H 297	LUEBKE	LONG-TERM CARE/SERVICE DELIVERY	H -REF TO COM ON RULES	03-04-99
H 298	HACKNEY	STUDY CONDITIONAL RELEASE	*H -RE-REF COM ON RULES	06-15-99
H 307=	TOLSON	INFO TECH PORTFOLIO MGMT ACT	H -REF TO COM ON RULES	03-04-99
H 309	TOLSON	COMMUNITY COLLEGES - L	H -REF TO COM ON RULES	03-04-99
H 310	TOLSON	COMMUNITY COLLEGES - 2	H -REF TO COM ON RULES	03-04-99
H 324	WILSON C	LRC STUDY EMPLOYMENT SECURITY	H -REF TO COM ON RULES	03-04-99
H 325	REDWINE	HONOR SHALLLOTTE	H -ADOPTED	03-04-99
H 329	TUCKER	UNIFORM RABIES VACCINATION STUDY	*H -RE-REF COM ON RULES	04-21-99
H 330	OWENS	N.C. WORKFORCE DEVELOPMENT	H -RE-REF COM ON RULES	05-31-99

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H 348	WOOD	HIGH POINT LOCAL ACT	HF-POSTPONED INDEFINITELY 03-08-99
H 349	WOOD	GUILFORD COUNTY LOCAL ACT	HF-POSTPONED INDEFINITELY 03-08-99
H 350	WOOD	DAVIDSON COUNTY LOCAL ACT	HF-POSTPONED INDEFINITELY 03-08-99
H 351	WOOD	COLFAX INCORPORATED	*H -RE-REF COM ON FINANCE 03-08-99 05-19-99
H 356	BARBEE	CABARRUS COUNTY LOCAL ACT	HF-POSTPONED INDEFINITELY 03-08-99
H 359	SETZER	CATAWBA COUNTY LOCAL ACT - 2	HF-POSTPONED INDEFINITELY 03-08-99
H 365	SETZER	IREDELL COUNTY LOCAL ACT	HF-POSTPONED INDEFINITELY 03-09-99
H 366	BOWIE	GUILFORD COUNTY LOCAL ACT - 2	HF-POSTPONED INDEFINITELY 03-09-99
H 367	BOWIE	GUILFORD COUNTY LOCAL ACT - 3	HF-POSTPONED INDEFINITELY 03-09-99
H 368	BOWIE	GREENSBORO LOCAL ACT - 1	HF-POSTPONED INDEFINITELY 03-09-99
H 369	BOWIE	PT CAM FUNDS	*H -RE-REF COM ON APPROP 03-09-99 05-19-99
H 380	DEDMON	RUTHERFORD COUNTY LOCAL ACT - 3	HF-POSTPONED INDEFINITELY 03-10-99
H 381	DEDMON	CLEVELAND COUNTY LOCAL ACT - 3	HF-POSTPONED INDEFINITELY 03-10-99
H 382	DEDMON	CLEVELAND COUNTY LOCAL ACT - 4	HF-POSTPONED INDEFINITELY 03-10-99
H 383	GULLEY J	TOWN OF MATTHEWS	HF-POSTPONED INDEFINITELY 03-10-99
H 384	GULLEY J	TOWN OF MINT HILL	HF-POSTPONED INDEFINITELY 03-10-99
H 387=	HORN	HONORING WADE MATHENY	H -REF TO COM ON RULES 03-10-99
H 388	ADAMS	ENCOURAGE UN RES./ELIM. DISCRIM.	H -ADOPTED 03-10-99 06-16-99
H 390	HOLMES	41ST HOUSE DISTRICT LOCAL ACT - 1	HF-POSTPONED INDEFINITELY 03-11-99
H 391	HOLMES	41ST HOUSE DISTRICT LOCAL ACT - 2	HF-POSTPONED INDEFINITELY 03-11-99
H 392	HOLMES	41ST HOUSE DISTRICT LOCAL ACT - 3	HF-POSTPONED INDEFINITELY 03-11-99
H 393	HOLMES	41ST HOUSE DISTRICT LOCAL ACT - 4	HF-POSTPONED INDEFINITELY 03-11-99
H 406	FOX	LIVING WILL REGISTRY STUDY	H -REF TO COM ON RULES 03-11-99
H 408	HURLEY	CUMBERLAND LOCAL SALES TAX	H -REF TO COM ON RULES 03-11-99
H 409	SAUNDERS	TRAFFIC CAMERAS OK'D STATEWIDE	HF-FAILED 2ND READING 03-11-99 03-29-99
H 411	COLE	PROHIBIT CERTAIN CIGARETTE SALES	*H -RE-REF COM ON FINANCE 03-11-99 04-27-99
H 415	BAKER	40TH HOUSE DIST. LOCAL ACT - 5	HF-POSTPONED INDEFINITELY 03-11-99
H 416	BAKER	40TH HOUSE DIST. LOCAL ACT - 4	HF-POSTPONED INDEFINITELY 03-11-99
H 417	BAKER	40TH HOUSE DIST. LOCAL ACT - 2	HF-POSTPONED INDEFINITELY 03-11-99
H 418	BAKER	40TH HOUSE DIST. LOCAL ACT - 1	HF-POSTPONED INDEFINITELY 03-11-99

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BILL		SHORT TITLE	LATEST ACTION ON BILL
H 419	BAKER	MOUNT AIRY SATELLITE ANNEXATION	*R -CH. SL 99-0232
H 421	MORRIS	PARTY ALIGNMENT ROTATED	H -RE-REF COM ON ELECLAW
H 424	TUCKER	STUDY EARLY RETIREMENT OPTION	H -REF TO COM ON RULES
H 425	GRADY	DRIVERS LICENSE INFO NOT FOR SALE	H -RE-REF COM ON WAYS&MNS
H 431	GILLESPIE	YANCEY LOCAL ACT	HF-POSTPONED INDEFINITELY
H 433	CLARY	48TH HOUSE DIST. FUNDS - 1	H -REF TO COM ON RULES
H 434	CLARY	48TH HOUSE DIST. FUNDS - 2	H -REF TO COM ON RULES
H 435	CLARY	48th HOUSE DIST. LOCAL ACT - 2	HF-POSTPONED INDEFINITELY
H 436	CLARY	48TH HOUSE DIST. LOCAL ACT - 2	HF-POSTPONED INDEFINITELY
H 438	EDWARDS	HOUSING AUTHORITY EXEMPTION	*R -CH. SL 99-0409
H 439	EDWARDS	HYDE COUNTY LOCAL ACT - 1	HF-POSTPONED INDEFINITELY
H 440	EDWARDS	EXTEND BEAUFORT/HYDE HUNTING	*R -CH. SL 99-0086
H 441	EDWARDS	HYDE COUNTY LOCAL ACT - 2	HF-POSTPONED INDEFINITELY
H 442	GILLESPIE	MCDOWELL LOCAL ACT - 1	HF-POSTPONED INDEFINITELY
H 443	GILLESPIE	MCDOWELL LOCAL ACT - 2	HF-POSTPONED INDEFINITELY
H 444	HORN	POLK DELINQUENT TAXES	H -REF TO COM ON RULES
H 445	HORN	POLK COUNTY LOCAL ACT	HF-POSTPONED INDEFINITELY
H 448=	SMITH	HONORING A. D. GUY	H -REF TO COM ON RULES
H 451	GOODWIN	HONORING RICHARD C. HOFFMAN	H -ADOPTED
H 453=	MELTON	UNION SALES TAX FOR SCHOOLS	H -REF TO COM ON RULES
H 455	ALLRED	ROCKINGHAM COUNTY LOCAL ACT - 5	HF-POSTPONED INDEFINITELY
H 456	WAINWRIGHT	JONES COUNTY LOCAL ACT - 2	HF-POSTPONED INDEFINITELY
H 457	WAINWRIGHT	PAMLICO COUNTY LOCAL ACT	HF-POSTPONED INDEFINITELY
H 458	WAINWRIGHT	LENOIR COUNTY LOCAL ACT	HF-POSTPONED INDEFINITELY
H 459	WAINWRIGHT	Craven County Local Act - 1	HF-POSTPONED INDEFINITELY
H 460	WAINWRIGHT	Craven County Local Act - 2	HF-POSTPONED INDEFINITELY
H 466	SMITH	MODIFY CARTERET ROOM TAX	HF-POSTPONED INDEFINITELY
H 472	DECKER	HOUSE DISTRICT 84 - 1	HF-POSTPONED INDEFINITELY
H 473	DECKER	HOUSE DISTRICT 84 - 2	HF-POSTPONED INDEFINITELY
H 481	MOORE R	CABARRUS COUNTY BLANK BILL - 1	HF-POSTPONED INDEFINITELY

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NORTH CAROLINA GENERAL ASSEMBLY
COMMITTEE SUMMARY REPORT

1999-2000 Biennium	INTRODUCER	HOUSE: RULES, CALENDAR & OPERATIONS OF THE HOUSE	Valid Through 31-AUG-1999
BILL		SHORT TITLE	LATEST ACTION ON BILL
H 482	MOORE R	CABARRUS COUNTY BLANK BILL - 2	HF-POSTPONED INDEFINITELY
H 489=	HAIRE	HAYWOOD LOCAL SALES TAX	H -REF TO COM ON RULES
H 490	MCAHAN	EXPAND CORPORATE CHARITABLE DEDUCTIO	H -RE-REF COM ON FINANCE
H 491	MCAHAN	CONSOL. CORP. INCOME TAX STUDY	H -REF TO COM ON RULES
H 498	GULLEY J	MECKLENBURG LOCAL ACT - 2	HF-POSTPONED INDEFINITELY
H 499	CARPENTER J	DISTRICT 30 SPLIT	HF-REPTD UNFAV
H 506=	BRASWELL	DENTAL HYGIENISTS	H -REF TO COM ON RULES
H 507	SMITH	CAPE CARTERET/BOGUE ANNEXATIONS	*R -CH. SL 99-0287
H 512	CLARY	ASSISTED LIVING ADMINISTRATORS	*R -CH. SL 99-0443
H 515	SEXTON	ROCKINGHAM CO. LOCAL ACT - 6	HF-POSTPONED INDEFINITELY
H 516	SEXTON	ROCKINGHAM CO. LOCAL ACT - 7	HF-POSTPONED INDEFINITELY
H 519	JUSTUS	HENDERSON FIRE DISTRICTS	*S -REF TO COM ON FINANCE
H 520	JUSTUS	FLAT ROCK/HENDERSONVILLE PROP.	*R -CH. SL 99-0173
H 521	JUSTUS	50TH HOUSE DISTRICT - 3	HF-POSTPONED INDEFINITELY
H 522	JUSTUS	50TH HOUSE DISTRICT - 4	HF-POSTPONED INDEFINITELY
H 523	JUSTUS	50TH HOUSE DISTRICT - 5	HF-POSTPONED INDEFINITELY
H 524	JUSTUS	50TH HOUSE DISTRICT - 6	HF-POSTPONED INDEFINITELY
H 526	ALLRED	15A ASSIST. DST. ATTORNEYS/FUNDS	H -ASSIGNED TO APP-JPS
H 528=	MELTON	UNION COUNTY IMPACT FEES	H -REF TO COM ON RULES
H 529	CAPPS	DISPLAY OF AMERICAN FLAG	*S -REF TO COM ON STLOGVT
H 534=	DEDMON	RETAIN CLEVELAND CORR. CENTER	H -REF TO COM ON RULES
H 536=	MOORE R	STUDY HIGH SCHOOL GRAD. STANDARDS	H -REF TO COM ON RULES
H 537	MOORE R	ADULT EDUCATION PROGRAM STUDY	H -REF TO COM ON RULES
H 539	CULP	30TH HOUSE DIST. LOCAL ACT - 2	HF-POSTPONED INDEFINITELY
H 540	CULP	30TH HOUSE DIST. LOCAL ACT - 1	HF-POSTPONED INDEFINITELY
H 542	HOWARD	DAVIE COUNTY LOCAL ACT	HF-POSTPONED INDEFINITELY
H 543	HOWARD	DAVIDSON COUNTY LOCAL ACT - 2	HF-POSTPONED INDEFINITELY
H 544	WARWICK	CLINTON LOCAL RETIREMENT	HF-POSTPONED INDEFINITELY
H 545	WARWICK	PENDER LOCAL ACT - 2	HF-POSTPONED INDEFINITELY
H 547	OWENS	CAMDEN CO. LOCAL ACT	HF-POSTPONED INDEFINITELY

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BILL	INTRODUCER	SHORT TITLE	LATEST ACTION ON BILL	IN DATE	OUT DATE
H 548	OWENS	PERQUIMANS CO. LOCAL ACT	HF-POSTPONED INDEFINITELY	03-23-99	
H 549	OWENS	CURRITUCK CO. LOCAL ACT	HF-POSTPONED INDEFINITELY	03-23-99	
H 550	OWENS	PASQUOTANK CO. LOCAL ACT	HF-POSTPONED INDEFINITELY	03-23-99	
H 551	DAUGHTRY	JOHNSTON COUNTY LOCAL ACT - 1	HF-POSTPONED INDEFINITELY	03-23-99	
H 552	DAUGHTRY	JOHNSTON COUNTY LOCAL ACT - 2	HF-POSTPONED INDEFINITELY	03-23-99	
H 553	DAUGHTRY	JOHNSTON COUNTY LOCAL ACT - 3	HF-POSTPONED INDEFINITELY	03-23-99	
H 554	WARWICK	PENDER LOCAL ACT - 3	HF-POSTPONED INDEFINITELY	03-23-99	
H 555	WARWICK	PENDER LOCAL ACT - 4	HF-POSTPONED INDEFINITELY	03-23-99	
H 556	WARWICK	ONSLow LOCAL ACT - 4	HF-POSTPONED INDEFINITELY	03-23-99	
H 557	WARWICK	ONSLow LOCAL ACT - 5	HF-POSTPONED INDEFINITELY	03-23-99	
H 558	WARWICK	SAMPSON LOCAL ACT - 2	HF-POSTPONED INDEFINITELY	03-23-99	
H 559	WARWICK	SAMPSON LOCAL ACT - 3	HF-POSTPONED INDEFINITELY	03-23-99	
H 560	WARWICK	SAMPSON LOCAL ACT - 4	HF-POSTPONED INDEFINITELY	03-23-99	
H 562=	BADDOUR	ROYALL CHILDREN'S VISION PROGRAM	HF-POSTPONED INDEFINITELY	03-23-99	
H 563	TUCKER	DUPLIN LOCAL ACT - 2	HF-POSTPONED INDEFINITELY	03-23-99	
H 564	TUCKER	MAGNOLIA LOCAL ACT	HF-POSTPONED INDEFINITELY	03-23-99	
H 565	TUCKER	KENANSVILLE LOCAL ACT	HF-POSTPONED INDEFINITELY	03-23-99	
H 566	TUCKER	WARSAW LOCAL ACT	HF-POSTPONED INDEFINITELY	03-23-99	
H 567	TUCKER	BEULAVILLE LOCAL ACT	HF-POSTPONED INDEFINITELY	03-23-99	
H 568	TUCKER	WALLACE LOCAL ACT - 2	HF-POSTPONED INDEFINITELY	03-23-99	
H 573	INSKO	ORANGE LOCAL ACT - 1	HF-POSTPONED INDEFINITELY	03-24-99	
H 576	HURLEY	FAYETTEVILLE LOCAL ACT - 1	HF-POSTPONED INDEFINITELY	03-24-99	
H 577	HURLEY	CUMBERLAND COUNTY LOCAL ACT - 1	HF-POSTPONED INDEFINITELY	03-24-99	
H 578	HURLEY	FAYETTEVILLE LOCAL ACT - 2	HF-POSTPONED INDEFINITELY	03-24-99	
H 579	HURLEY	CUMBERLAND COUNTY LOCAL ACT - 2	HF-POSTPONED INDEFINITELY	03-24-99	
H 580	RAYFIELD	93RD HOUSE DIST. LOCAL ACT - 1	HF-POSTPONED INDEFINITELY	03-24-99	
H 581	RAYFIELD	93RD HOUSE DIST. LOCAL ACT - 2	HF-POSTPONED INDEFINITELY	03-24-99	
H 582	RAYFIELD	93RD HOUSE DIST. LOCAL ACT - 3	HF-POSTPONED INDEFINITELY	03-24-99	
H 584=	OWENS	CLARIFY MV DEALER TRANSFER RIGHTS	H -RE-REF COM ON JUDICIII	03-24-99	05-10-99
H 585=	OWENS	CLARIFY MV DEALERS LICENSING LAW	H -RE-REF COM ON JUDICIII	03-24-99	05-10-99

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BILL	SHORT TITLE	LATEST ACTION ON BILL	IN DATE OUT DATE
H 588	DEDMON	KINGS MOUNTAIN LOCAL ACT - 2	HF-POSTPONED INDEFINITELY 03-25-99
H 589	DEDMON	KINGS MOUNTAIN LOCAL ACT - 1	HF-POSTPONED INDEFINITELY 03-25-99
H 590	GRADY	CITY OF JACKSONVILLE	HF-POSTPONED INDEFINITELY 03-25-99
H 595	OWENS	RABIES VACCINE/DOG OWNER ADMIN	*H -RE-REF COM ON RULES 04-07-99
H 596=	ALEXANDER	EQUITY IN APPOINTMENTS	H -REF TO COM ON RULES 03-25-99
H 605	THOMAS	CRAVEN CONVENTION CTR. CONDEMN.	*H -RE-REF COM ON FINANCE 03-25-99 04-20-99
H 606	THOMAS	CRAVEN COUNTY LOCAL ACT - 4	HF-POSTPONED INDEFINITELY 03-25-99
H 607	THOMAS	PAMLICO COUNTY LOCAL ACT - 2	HF-POSTPONED INDEFINITELY 03-25-99
H 608	THOMAS	PAMLICO COUNTY LOCAL ACT - 3	HF-POSTPONED INDEFINITELY 03-25-99
H 609	HUNTER	BERTIE CO. LOCAL ACT	HF-POSTPONED INDEFINITELY 03-25-99
H 610	HUNTER	NORTHAMPTON CO. LOCAL ACT	HF-POSTPONED INDEFINITELY 03-25-99
H 611	HUNTER	GATES CO. LOCAL ACT	HF-POSTPONED INDEFINITELY 03-25-99
H 612	HUNTER	HERTFORD CO. LOCAL ACT	HF-POSTPONED INDEFINITELY 03-25-99
H 613	OWENS	FOUR COUNTY REVENUE OPTIONS MENU	H -REF TO COM ON RULES 03-25-99
H 617	BONNER	MAXTON LOCAL ACT	HF-POSTPONED INDEFINITELY 03-25-99
H 618	BONNER	ROWLAND LOCAL ACT	HF-POSTPONED INDEFINITELY 03-25-99
H 619	BONNER	RED SPRINGS LOCAL ACT	HF-POSTPONED INDEFINITELY 03-25-99
H 620	BAKER	CREATE TOBACCO COMMISSION	H -RE-REF COM ON SLCTTB 03-25-99 04-23-99
H 621	BAKER	TOBACCO PAYMENTS 1998-2025	H -RE-REF COM ON SLCTTB 03-25-99 04-23-99
H 623	BRUBAKER	PLEASANT GARDEN CHANGES	*R -CH. SL 99-0331 03-29-99 06-08-99
H 624	TUCKER	DUBLIN LOCAL SALES TAX	H -REF TO COM ON RULES 03-29-99
H 626=	BRUBAKER	38TH HOUSE DIST. BLANK BILL - 2	HF-POSTPONED INDEFINITELY 03-29-99
H 627	ALEXANDER	CONTINUE DEVEL. DISAB. STUDY	H -REF TO COM ON RULES 03-29-99
H 629	DAVIS	SAMPSON CO. LOCAL ACT	HF-POSTPONED INDEFINITELY 03-29-99
H 630	DAVIS	HARNETT COUNTY LOCAL ACT	HF-POSTPONED INDEFINITELY 03-29-99
H 631	DAVIS	HARNETT COUNTY LOCAL ACT	HF-POSTPONED INDEFINITELY 03-29-99
H 632	DAVIS	SAMPSON CO. LOCAL ACT	HF-POSTPONED INDEFINITELY 03-29-99
H 633	DAVIS	HARNETT COUNTY LOCAL ACT	HF-POSTPONED INDEFINITELY 03-29-99
H 634	DAVIS	LEE COUNTY LOCAL ACT	HF-POSTPONED INDEFINITELY 03-29-99
H 635	DAVIS	LEE COUNTY LOCAL ACT	HF-POSTPONED INDEFINITELY 03-29-99

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BILL		SHORT TITLE		IN DATE
H 639	CULPEPPER	GRANDPARENT VISITATION	*HF-FAILED 2ND READING	03-29-99
H 640	INSKO	CARRBORO LOCAL ACT	HF-POSTPONED INDEFINITELY	03-29-99
H 641	INSKO	CHAPEL HILL LOCAL ACT	HF-POSTPONED INDEFINITELY	03-29-99
H 646	YONGUE	MOORE COUNTY LOCAL ACT - 1	HF-POSTPONED INDEFINITELY	03-29-99
H 647	YONGUE	MOORE COUNTY LOCAL ACT 2	HF-POSTPONED INDEFINITELY	03-29-99
H 652	CULPEPPER	ROANOKE ISLAND HISTORICAL ASSOC.	*R -CH. SL 99-0032	03-29-99
H 653	BUCHANAN	46TH HOUSE DIST. LOCAL ACT - 1	HF-POSTPONED INDEFINITELY	03-29-99
H 654	BUCHANAN	46TH HOUSE DIST. LOCAL ACT - 2	HF-POSTPONED INDEFINITELY	03-29-99
H 655	ESPOSITO	88TH HOUSE DIST. LOCAL ACT - 1	HF-POSTPONED INDEFINITELY	03-29-99
H 656	ESPOSITO	88TH HOUSE DIST. LOCAL ACT - 2	HF-POSTPONED INDEFINITELY	03-29-99
H 662	NESBITT	BUNCOMBE COUNTY LOCAL ACT - 5	HF-POSTPONED INDEFINITELY	03-29-99
H 663	NESBITT	ASHEVILLE LOCAL ACT - 2	HF-POSTPONED INDEFINITELY	03-29-99
H 664	NESBITT	ASHEVILLE LOCAL ACT - 3	HF-POSTPONED INDEFINITELY	03-29-99
H 666	CRAWFORD	TRI-COUNTY LOCAL ACT	HF-POSTPONED INDEFINITELY	03-29-99
H 667	CRAWFORD	ROANOKE RAPIDS ANNEXATION	HF-POSTPONED INDEFINITELY	03-29-99
H 668	FOX	GRANVILLE LOCAL ACT	*R -CH. SL 99-0324	03-29-99
H 672	GIBSON	VARIOUS LOCAL OCCUPANCY TAXES	HF-POSTPONED INDEFINITELY	03-29-99
H 676	HAIRE	GRAHAM, SWAIN LOCAL SALES TAX	*H -RE-REF COM ON RULES	06-23-99
H 677	HAIRE	CERTAIN COUNTIES DELINQUENT TAXES	H -REF TO COM ON RULES	03-29-99
H 678	SHERRILL	ACUPUNCTURIST REIMBURSEMENT	*S -REF TO COM ON FINANCE	04-15-99
H 678	SHERRILL	ACUPUNCTURIST REIMBURSEMENT	*S -REF TO COM ON HLTHCARE	04-27-99
H 679	ELLIS	WAKE COUNTY LOCAL ACT	*S -REF TO COM ON HLTHCARE	05-11-99
H 680	ELLIS	WAKE COUNTY LOCAL ACT	HF-POSTPONED INDEFINITELY	03-29-99
H 681	ELLIS	WAKE COUNTY LOCAL ACT	HF-POSTPONED INDEFINITELY	03-29-99
H 683	MOSLEY	LRC STUDY CHILD CARE SUBSIDY	HF-POSTPONED INDEFINITELY	03-29-99
H 687	JEFFUS	GUILFORD COUNTY LOCAL ACT - 4	H -REF TO COM ON RULES	03-30-99
H 688	JEFFUS	GUILFORD COUNTY LOCAL ACT - 5	HF-POSTPONED INDEFINITELY	03-30-99
H 689	JEFFUS	GUILFORD COUNTY LOCAL ACT - 6	HF-POSTPONED INDEFINITELY	03-30-99
H 691	PRESTON	CARTERET MUNICIPALITIES	HF-POSTPONED INDEFINITELY	03-30-99
H 692	PRESTON	CARTERET COUNTY LOCAL ACT - 3	HF-POSTPONED INDEFINITELY	03-30-99

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H 693	PRESTON	CARTERET COUNTY LOCAL ACT - 4	HF-POSTPONED INDEFINITELY 03-30-99
H 694	MCLAWHORN	AYDEN LOCAL ACT - 1	*S -REF TO COM ON STLOGVTT 03-30-99 04-27-99
H 698	MOORE R	DIST 19A ADA/FUNDS	H -RE-ASSIGNED TO APP-JPS 03-30-99 04-21-99
H 699	MCCOMBS	ROWAN COUNTY LOCAL ACT	HF-POSTPONED INDEFINITELY 03-30-99
H 700	MCCOMBS	ROWAN CO. MUNICIPALITIES - 1	HF-POSTPONED INDEFINITELY 03-30-99
H 701	MCCOMBS	ROWAN CO. MUNICIPALITIES - 2	HF-POSTPONED INDEFINITELY 03-30-99
H 702	MCCRARY	LEXINGTON LOCAL ACT	HF-POSTPONED INDEFINITELY 03-30-99
H 703	MCCRARY	DAVIDSON COUNTY LOCAL ACT - 3	HF-POSTPONED INDEFINITELY 03-30-99
H 704	MCCRARY	THOMASVILLE LOCAL ACT	HF-POSTPONED INDEFINITELY 03-30-99
H 705	WARNER	CUMBERLAND LOCAL ACT - 5	HF-POSTPONED INDEFINITELY 03-30-99
H 706	WARNER	CUMBERLAND LOCAL ACT - 6	HF-POSTPONED INDEFINITELY 03-30-99
H 709	COX	ANGIER LOCAL ACT	HF-POSTPONED INDEFINITELY 03-30-99
H 713=	ALEXANDER	MENTAL HEALTH PARITY STUDY	*H -RE-REF COM ON RULES 04-21-99
H 716	ALEXANDER	MECKLENBURG LOCAL ACT - 3	HF-POSTPONED INDEFINITELY 03-30-99
H 718	WARWICK	PENDER LOCAL ACT - 5	HF-POSTPONED INDEFINITELY 03-30-99
H 719	WARWICK	PENDER LOCAL ACT - 6	HF-POSTPONED INDEFINITELY 03-30-99
H 720	WARWICK	SAMPSON LOCAL ACT - 5	HF-POSTPONED INDEFINITELY 03-30-99
H 721	WARWICK	SAMPSON LOCAL ACT - 6	HF-POSTPONED INDEFINITELY 03-30-99
H 723	INSKO	DARK WINDOW INSPECTION FEE	S -REF TO COM ON FINANCE 06-21-99 06-24-99
H 723	INSKO	DARK WINDOW INSPECTION FEE	S -REF TO COM ON FINANCE 06-30-99 07-01-99
H 725	DOCKHAM	94TH HOUSE DISTRICT LOCAL ACT - 1	HF-POSTPONED INDEFINITELY 03-30-99
H 726	DOCKHAM	94TH HOUSE DISTRICT LOCAL ACT - 2	HF-POSTPONED INDEFINITELY 03-30-99
H 727	DOCKHAM	94TH HOUSE DISTRICT LOCAL ACT - 3	HF-POSTPONED INDEFINITELY 03-30-99
H 730	TOLSON	WILSON LOCAL ACT	HF-POSTPONED INDEFINITELY 03-30-99
H 734	INSKO	CHAPEL HILL DEVELOPMENT AGREEMENTS	*S -REF TO COM ON FINANCE 03-30-99 04-29-99
H 735	SUTTON	ROBESON LOCAL SALES TAX	H -REF TO COM ON RULES 03-30-99
H 736	ROGERS	MANAGED CARE/PATIENT ACCESS	*S -RE-REF COM ON COMMERCE 03-30-99 04-20-99
H 737	ROGERS	PLYMOUTH LOCAL ACT	HF-POSTPONED INDEFINITELY 03-30-99
H 739	ROGERS	WASHINGTON COUNTY LOCAL ACT - 1	H -REF TO COM ON RULES 03-30-99
H 740	ROGERS	MOUNT AIRY ANNEXATION CORRECTION	*R -CH. SL 99-0325 03-30-99 07-12-99

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BILL		SHORT TITLE		IN DATE
H 744	CANSLER	HEALTH ACCESS PILOT PROJECT	*H -RE-REF COM ON INS	03-30-99
H 745	CULPEPPER	DARE LOCAL ACT	HF-POSTPONED INDEFINITELY	03-30-99
H 751	GARDNER	MOTORIUM ON NEW TECHNOLOGY - Y2K	H -RE-REF COM ON APPROP	03-31-99
H 752	GARDNER	DESIGNATE CHILDREN'S DAY	H -ADOPTED	03-31-99
H 754	YONGUE	SCOTLAND LOCAL SALES TAX	H -REF TO COM ON RULES	03-31-99
H 756	YONGUE	MOORE SALES TAX FOR SCHOOLS	H -REF TO COM ON RULES	03-31-99
H 757	MINER	WAKE COUNTY LOCAL ACT - 4	HF-POSTPONED INDEFINITELY	03-31-99
H 758	MINER	WAKE COUNTY LOCAL ACT - 5	HF-POSTPONED INDEFINITELY	03-31-99
H 759	MINER	WAKE COUNTY LOCAL ACT - 6	HF-POSTPONED INDEFINITELY	03-31-99
H 762=	BARBEE	STANLY SALES TAX FOR SCHOOLS	H -REF TO COM ON RULES	03-31-99
H 766	BROWN	ALEXANDER LOCAL ACT - 3	HF-POSTPONED INDEFINITELY	03-31-99
H 767	FITCH	DIVIDE DISTRICT 7	*H -ASSIGNED TO APP-JPS	03-31-99
H 768	WRIGHT	PENDER LOCAL ACT - 7	HF-POSTPONED INDEFINITELY	03-31-99
H 769	WRIGHT	PENDER LOCAL ACT - 8	HF-POSTPONED INDEFINITELY	03-31-99
H 770	WRIGHT	NAVASSA LOCAL ACT - 1	HF-POSTPONED INDEFINITELY	03-31-99
H 771	WRIGHT	NAVASSA LOCAL ACT - 2	HF-POSTPONED INDEFINITELY	03-31-99
H 772	WRIGHT	LEE'S CUT NO-WAKE ZONE	*R -CH. SL 99-0095	03-31-99
H 773	WRIGHT	NEW HANOVER LOCAL ACT - 2	HF-POSTPONED INDEFINITELY	03-31-99
H 774	WRIGHT	WILMINGTON LOCAL ACT - 1	HF-POSTPONED INDEFINITELY	03-31-99
H 775	WRIGHT	WILMINGTON LOCAL ACT - 2	HF-POSTPONED INDEFINITELY	03-31-99
H 778=	MCCOMAS	FUTURE OF ELECTRIC SERVICE/MEMBERS	*R -CH. SL 99-0122	03-31-99
H 779	MCCOMAS	NEW HANOVER LOCAL ACT - 3	HF-POSTPONED INDEFINITELY	03-31-99
H 780	MCCOMAS	ST. JOHNS MUSEUM OF ART FUNDS	*H -RE-REF COM ON APPROP	03-31-99
H 782	BROWN	WILKES FIRE DISTRICT	*S -REF TO COM ON FINANCE	04-01-99
H 783	BROWN	YADKIN LOCAL ACT - 3	HF-POSTPONED INDEFINITELY	04-01-99
H 785	HAIRE	JACKSON LOCAL SALES TAX	H -REF TO COM ON RULES	04-01-99
H 787	MCMAHAN	CHARLOTTE/MECK. SCHOOL CONSTRUCTION	*H -RE-REF COM ON LOGGOVI	04-01-99
H 789	GOODWIN	HIGHWAY UTILITY NONBETTERMENT STUDY	*H -RE-REF COM ON RULES	06-24-99
H 799	MOSLEY	MORRISVILLE TRANSPORT IMPACT FEES	H -REF TO COM ON RULES	04-01-99
H 807	RUSSELL	WAYNE CO LOCAL ACT	HF-POSTPONED INDEFINITELY	04-01-99

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H 808	RUSSELL	GREENE CO. LOCAL ACT	HF-POSTPONED INDEFINITELY 04-01-99
H 809	RUSSELL	LENOIR CO. LOCAL ACT	HF-POSTPONED INDEFINITELY 04-01-99
H 815	HENSLEY	LEFT TURN ON RED	S -REF TO COM ON RULES & 05-13-99 07-01-99
H 827=	HENSLEY	GARNER TRANSP. IMPACT FEES	H -REF TO COM ON RULES 04-01-99
H 831	WALEND	HENDERSON COUNTY LOCAL ACT	HF-POSTPONED INDEFINITELY 04-01-99
H 838	GRADY	ONSLow LOCAL ACT - 6	HF-POSTPONED INDEFINITELY 04-01-99
H 841	INSKO	CARRBORO/CHAPEL HILL LOCAL ACT	*R -CH. SL 99-0255 06-15-99 07-01-99
H 842	INSKO	RANDOLPH COMMISSIONERS DISTRICTS	*S -RE-REF COM ON STLOGVGT 04-01-99 04-19-99
H 843=	INSKO	MOORE COMMISSIONERS DISTRICTS	*H -RE-REF COM ON RULES 07-06-99
H 852	BUCHANAN	HICKORY/MOCKSVILLE ANNEXATIONS	R -CH. SL 99-0208 06-07-99
H 854	EDWARDS	PITT 1% SALES TAX/CAPITAL	H -REF TO COM ON RULES 04-01-99
H 857=	INSKO	CHATHAM, ORANGE REVENUE OPTIONS	H -RE-REF COM ON FINANCE 04-01-99 05-18-99
H 858	HARDAWAY	7TH HOUSE DIST. LOCAL ACT - 1	HF-POSTPONED INDEFINITELY 04-01-99
H 859	HARDAWAY	7TH HOUSE DIST. LOCAL ACT 2	HF-POSTPONED INDEFINITELY 04-01-99
H 860	HARDAWAY	7TH HOUSE DIST. LOCAL ACT 3	HF-POSTPONED INDEFINITELY 04-01-99
H 861	HARDAWAY	7TH HOUSE DIST. LOCAL ACT 4	HF-POSTPONED INDEFINITELY 04-01-99
H 865	WRIGHT	N. H. COMMISSIONERS	HF-POSTPONED INDEFINITELY 04-01-99
H 866	WRIGHT	WILMINGTON COUNCIL ELECTIONS	HF-POSTPONED INDEFINITELY 04-01-99
H 879	ALLRED	ALAMANCE COUNTY BORDERS	HF-POSTPONED INDEFINITELY 04-01-99
H 881	NEELY	WAKE LOCAL ACT - 3	HF-POSTPONED INDEFINITELY 04-01-99
H 882	NEELY	WAKE LOCAL ACT - 1	HF-POSTPONED INDEFINITELY 04-01-99
H 883	NEELY	WAKE LOCAL ACT - 2	HF-POSTPONED INDEFINITELY 04-01-99
H 888	DEDMON	HONOR LATTIMORE	H -REF TO COM ON RULES 04-01-99
H 891	YONGUE	HOKE LOCAL SALES TAX	H -REF TO COM ON RULES 04-01-99
H 892	CUNNINGHAM	CHARLOTTE LOCAL ACT - 1	HF-POSTPONED INDEFINITELY 04-01-99
H 893	CUNNINGHAM	MECKLENBURG LOCAL ACT - 4	HF-POSTPONED INDEFINITELY 04-01-99
H 894	CUNNINGHAM	MECKLENBURG LOCAL ACT - 5	HF-POSTPONED INDEFINITELY 04-01-99
H 895	CUNNINGHAM	CHARLOTTE LOCAL ACT - 2	HF-POSTPONED INDEFINITELY 04-01-99
H 897	CAPPS	WAKE LOCAL ACT	HF-POSTPONED INDEFINITELY 04-01-99
H 903	ALEXANDER	MENTAL HEALTH/CONTINUATION BUDGET	H -REF TO COM ON RULES 04-05-99

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H 909	MOSLEY	STUDY LICENSURE COMPLIANCE	H -REF TO COM ON RULES	04-05-99	
H 919=	STARNES	TAXPAYER PROTECTION ACT	HF-REPTD UNFAV	04-05-99	04-23-99
H 928	THOMPSON	FLORIDE LIMITATIONS	H -REF TO COM ON RULES	04-06-99	
H 932	SMITH	REAL PROPERTY LAW CHANGES	H -REF TO COM ON RULES	04-06-99	
H 933	SMITH	RELOCATION OF ABANDONED CEMETERIES	*H -RE-REF COM ON APPROP	04-06-99	05-27-99
H 934=	EASTERLING	ESTABLISH DOMESTIC VIOLENCE COMMN.	H -REF TO COM ON RULES	04-06-99	
H 938=	SEXTON	FIREARMS/AMMUN. PREEMPTION	*S -REF TO COM ON JUDICII	04-06-99	04-15-99
H 938=	SEXTON	FIREARMS/AMMUN. PREEMPTION	*S -REF TO COM ON JUDICII	04-22-99	04-27-99
H 939	GOODWIN	RAISE SMALL CLAIMS AMT	*R -CH. SL 99-0411	07-13-99	
H 941	CRAWFORD	DOT TOLL ROAD STUDY	H -REF TO COM ON RULES	04-07-99	
H 942	GOODWIN	CHILD PERFORMERS STUDY	*H -RE-REF COM ON RULES	05-13-99	
H 953	SMITH	STUDY SEAFOOD LABELING	H -REF TO COM ON RULES	04-08-99	
H 966=	COLE	RAILROAD CORRIDOR ECONOMIC	H -REF TO COM ON RULES	04-12-99	
H 973	HILL	MARRIAGE LICENSE CHANGE	*S -REF TO COM ON JUDICII	04-21-99	04-28-99
H 986	GIBSON	ENVIRONMENTAL LAWS - 1	H -REF TO COM ON RULES	04-12-99	
H 987	GIBSON	AMEND ENVIRONMENTAL LAWS	H -REF TO COM ON RULES	04-12-99	
H 988	GIBSON	ENVIRONMENTAL LAW AMENDED	H -REF TO COM ON RULES	04-12-99	
H 992	CLARY	INDIGENT DEFENSE FUNDS LIMIT	H -ASSIGNED TO APP-JPS	04-13-99	04-23-99
H1001	WARWICK	ENVIRONMENTAL LAWS - 2	H -REF TO COM ON RULES	04-13-99	
H1002	WARWICK	ENVIRONMENTAL IMPACT STUDY/FUNDS	*H -RE-REF COM ON ENVIRON	04-13-99	04-27-99
H1003	WARWICK	ENVIRONMENT/NATURAL RES. ACT - 2	H -REF TO COM ON RULES	04-13-99	
H1007	HILL	URGE FOOD QUALITY PROTECTION ACT IMP	H -REF TO COM ON RULES	04-13-99	
H1014	MILLER G	STUDY GRIEVANCE PROCESS	H -REF TO COM ON RULES	04-13-99	
H1032=	CULPEPPER	UNDERGROUND UTILITY DAMAGE AMEND.	S -RE-REF COM ON RULES &	04-28-99	04-29-99
H1041	HENSLEY	STUDY INCOME TAX BURDEN	H -REF TO COM ON RULES	04-14-99	
H1044	MOORE R	INNOVATIVE HIGHWAY FUNDING	H -REF TO COM ON RULES	04-14-99	
H1047	THOMPSON	COMMERCIAL REALTOR LIEN STUDY	H -REF TO COM ON RULES	04-14-99	
H1055	MILLER G	RADIATION PROTECTION ACT	H -REF TO COM ON RULES	04-15-99	
H1057	JEFFUS	MORTGAGE CREDITS STUDY	H -REF TO COM ON RULES	04-15-99	
H1068=	ALEXANDER	HONOR EDMUND STRUDWICK	R -CH. RES 99-10	04-15-99	05-19-99

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H1073	ALEXANDER	ELECTION LAW CHANGES - 2	H - REF TO COM ON RULES 04-15-99
H1074	ALEXANDER	ELECTION LAW CHANGES - 1	*R -CH. SL 99-0426 04-15-99 04-21-99
H1095=	ALLEN	CLINICAL PHARMACIST PRACTITIONER	*R -CH. SL 99-0290 05-18-99 05-27-99
H1097	ARNOLD	LONGER SCHOOL YEAR STUDY	H - REF TO COM ON RULES 04-15-99
H1108	THOMAS	DENR BURNING PERMITS STUDY	H - RE-REF COM ON RULES 04-21-99
H1116=	WRIGHT	MINORITY AND AT-RISK STUDENT/STUDY	H - REF TO COM ON RULES 04-15-99
H1117=	WRIGHT	N.H./PENDER JUDICIAL DISTRICTS	H - RE-ASSIGNED TO APP-JPS 04-15-99 04-21-99
H1118	WRIGHT	LIMIT LIABILITY/DEFIBRILLATORS	*H -RE-REF COM ON RULES 04-27-99
H1124	MOSLEY	TOWNSHOME ASSOCIATION REG. STUDY	H - REF TO COM ON RULES 04-15-99
H1127=	SMITH	REVISE CERTAIN LODGING RULES	R -CH. SL 99-0077 04-15-99 04-21-99
H1132=	INSKO	PRESERVE FARMLANDS/SMALL FARMS	*S -REF TO COM ON FINANCE 04-27-99 04-28-99
H1135=	HACKNEY	1999 GOVERNOR'S DWI AMENDMENTS	*R -CH. SL 99-0406 05-12-99 06-21-99
H1140	MCCOMAS	JOSHUA WRIGHT MEMORIAL	H - ADOPTED 04-15-99 05-13-99
H1141	BUCHANAN	LIMIT ON ENHANCED 911 SERVICE CHARGE	H - REF TO COM ON RULES 04-15-99
H1156	CRAWFORD	AMEND PSYCHOLOGY PRACTICE ACT	*H -RE-REF COM ON MNTLHLTH 04-28-99 05-13-99
H1158=	NESBITT	STATE EMPLOYEE COMP. STUDY	H - REF TO COM ON RULES 04-15-99
H1162	WOOD	STATE LEG. TUITION GRANTS	H - REF TO COM ON RULES 04-15-99
H1163=	LUEBKE	CHILD HEALTH INSURANCE INCENTIVE	H - REF TO COM ON RULES 04-15-99
H1164	LUEBKE	ENERGY SAVINGS CONTRACTS STUDY	*H -RE-REF COM ON RULES 05-27-99
H1170	RUSSELL	DPI CONSTRUCTION ASSISTANCE/STUDY	H - REF TO COM ON RULES 04-15-99
H1174	LUEBKE	HOUSING LAW CHANGES	H - REF TO COM ON RULES 04-15-99
H1175	INSKO	LOCAL PESTICIDE NOTICE	H - REF TO COM ON RULES 04-15-99
H1177	ELLIS	LOCKSMITH LICENSURE -2	H -RE-REF COM ON RULES 07-08-99
H1188	BOYD-MCINTYRE	RESEARCH STUDIES/WOMEN PARTICIPANTS	S -REF TO COM ON HLTHCARE 04-15-99 04-27-99
H1195	ROGERS	SPECIAL NEEDS COMMISSION MODIFIED	H -RE-REF COM ON RULES 04-27-99
H1198	MILLER G	S. E. COMPACT	H - REF TO COM ON RULES 04-15-99
H1199	MILLER G	AMEND UTILITIES LAW	H - REF TO COM ON RULES 04-15-99
H1201	GIBSON	ENVIRONMENTAL EXCELLENCE AGREEMENTS2	H - REF TO COM ON RULES 04-15-99
H1204	CULPEPPER	RESTORE DL AFTER FOREIGN JUDGEMENTS	*S -REF TO COM ON JUDICI 04-27-99 04-28-99
H1205	GIBSON	MORTGAGE FEES	H - REF TO COM ON RULES 04-15-99

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H1206	INSKO	HEALTH INS./MENTAL HLTH PRECERT.	*H -RE-REF COM ON RULES 04-27-99
H1207	CULPEPPER	ELIGIBILITY FOR STATE HEALTH BENEFIT	H -RE-REF COM ON RULES 04-27-99
H1208	PRESTON	DIFFERENTIATED PAY FOR TEACHERS/STUD	H -REF TO COM ON RULES 04-15-99
H1210	SUTTON	OPEN HEART TREATMENT BEDS	H -REF TO COM ON RULES 04-15-99
H1214	MILLER G	RESTRUCTURE ELECTRIC SERVICE	H -REF TO COM ON RULES 04-15-99
H1229=	ADAMS	STUDY HUNGER AND NUTRITION	H -REF TO COM ON RULES 04-15-99
H1235	WOOD	EDUCATION ENTERPRISE ZONES	H -REF TO COM ON RULES 04-15-99
H1236	WOOD	VOTERS APPROVE TAXES	H -REF TO COM ON RULES 04-15-99
H1239	GOODWIN	PROHIBIT "BOXCARRING" MISDEMEANOR	H -REF TO COM ON RULES 04-15-99
H1242	HAIRE	MODIFY BD. OF GOVS. TERMS	H -RE-REF COM ON RULES 04-23-99
H1244=	DOCKHAM	HONOR W. D. MIZELL	H -REF TO COM ON RULES 04-15-99
H1249	WILSON C	TRUCKING SAFETY STUDY	H -REF TO COM ON RULES 04-15-99
H1251	WOMBLE	KENNETH WILLIAMS MEMORIAL	R -CH. RES 99-11
H1254	EARLE	HOMEBUILDER RESPONSIBILITY	H -RE-REF COM ON FINANCE 05-27-99
H1256	EARLE	RESIDENTIAL CONTRACTOR LICENSING STU	H -REF TO COM ON RULES 06-16-99
H1259	EARLE	GENERAL LAW CHANGES - 2	H -REF TO COM ON RULES 04-15-99
H1260	EARLE	GENERAL LAW CHANGES - 1	H -REF TO COM ON RULES 04-15-99
H1261	GOODWIN	SEARCH PROBATIONER OR PAROLEE	*H -RE-REF COM ON RULES 04-28-99
H1262	WRIGHT	HEALTH STATUS DISPARITY TASK FORCE	H -REF TO COM ON RULES 04-15-99
H1264	WOOD	RACE-BASED ADMISSION POLICIES	H -REF TO COM ON RULES 04-15-99
H1266	BOYD-MCINTYRE	SPECIAL NEEDS CHILDREN/STUDY	H -REF TO COM ON RULES 04-15-99
H1268	BOYD-MCINTYRE	AMEND EDUCATION LAWS - 2	H -REF TO COM ON RULES 04-15-99
H1269	BOYD-MCINTYRE	AMEND EDUCATION LAWS - 3	H -REF TO COM ON RULES 04-15-99
H1270	BOYD-MCINTYRE	AMEND EDUCATION LAWS	H -REF TO COM ON RULES 04-15-99
H1271	LUEBKE	PAY UN DUES	HF-ORIG BILL FAILED 06-24-99
H1276	BADDOUR	CAMPAIGN REFORM ACT OF 1999	H -REF TO COM ON RULES 04-15-99
H1277=	COLE	PHARMACY CHOICE/COMPETITION	*H -RE-REF COM ON APPROP 04-28-99 04-29-99
H1279	WARNER	FINANCIAL IDENTITY FRAUD	R -CH. SL 99-0449 07-13-99
H1280	HUNTER	SPECIAL AUDITS	H -REF TO COM ON RULES 04-15-99
H1286	GOODWIN	MASS GATHERINGS	*R -CH. SL 99-0171 04-15-99 04-21-99

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H1287	GOODWIN	STOP SPAM	H - REF TO COM ON RULES 04-15-99
H1288=	LUEBKE	ESTABLISH METROPOLITAN PLANNING BDS.	*S - REF TO COM ON TRANSPRT 04-28-99 04-28-99
H1308	ALLEN	GOVERNMENT SALES TAX EXEMPTION	*H - RE-REF COM ON APPROP 05-05-99 05-19-99
H1320=	GIBSON	HONOR MT. GILEAD	H - ADOPTED 04-22-99 07-07-99
H1321	ALLRED	HONOR ALAMANCE COUNTY	*H - ADOPTED 04-22-99 04-23-99
H1363	JUSTUS	STUDY GROUP B STREPTOCOCCUS	H - REF TO COM ON RULES 04-29-99
H1365	HILL	STUDY G.S. CHAPTER 51	H - REF TO COM ON RULES 04-29-99
H1377	WARNER	MAGISTRATES' SALARIES LRC/FUNDS	H - REF TO COM ON RULES 04-29-99
H1385	NYE	STUDY REG. OF ADULT CARE HOMES	H - REF TO COM ON RULES 04-29-99
H1386	MCALLISTER	LRS STUDY FERRY DIV. PRIVATIZATION	*H - RE-REF COM ON RULES 06-14-99
H1389	MILLER G	SIMPLIFY STATE AND LOCAL SALES TAX	H - REF TO COM ON RULES 04-29-99
H1391	BLUE	WAKE COUNTY FUNDS	H - REF TO COM ON RULES 04-29-99
H1396	INSKO	HEALTH CARE FUNDAMENTAL RIGHT	H - REF TO COM ON RULES 04-29-99
H1403	THOMPSON	FUNDS FOR MISSING CHILDREN	H - REF TO COM ON RULES 04-29-99
H1409	GOODWIN	INCENTIVES/BORDER AND LOW-TIER CO.	*H - RE-REF COM ON FINANCE 04-29-99 05-27-99
H1411	LUEBKE	BALANCE WM. S. LEE TAX INCENTIVES	H - RE-REF COM ON FINANCE 04-29-99 05-17-99
H1412	LUEBKE	TAX LAW CHANGES	H - REF TO COM ON RULES 04-29-99
H1413	LUEBKE	BEVERAGE CONTAINER DEPOSIT STUDY	H - REF TO COM ON RULES 04-29-99
H1423	EARLE	APPROPRIATION BILL - 1	H - REF TO COM ON RULES 04-29-99
H1424	EARLE	APPROPRIATION BILL - 2	H - REF TO COM ON RULES 04-29-99
H1425	EARLE	APPROPRIATION BILL - 3	H - REF TO COM ON RULES 04-29-99
H1435	BOYD-MCINTYRE	SPECIAL NEEDS CHILDREN/SUDY	H - REF TO COM ON RULES 04-29-99
H1445	LUEBKE	FUNDS FOR STUDY	H - REF TO COM ON RULES 04-29-99
H1446	LUEBKE	SFE GUN STORAGE STUDY	H - REF TO COM ON RULES 04-29-99
H1451	HURLEY	STUDY CASH CONVERTERS	H - REF TO COM ON RULES 04-29-99
H1461	MOSLEY	STUDY PATIENT RIGHTS	H - REF TO COM ON RULES 05-04-99
H1463	BAREFOOT	HONOR DAVID CLARK	S - REF TO COM ON RULES & 05-05-99 06-21-99
H1464=	CULPEPPER	WASHINGTON COUNTY BICENTENNIAL	H - REF TO COM ON RULES 05-06-99
H1467	WOOD	VOTERS MUST APPROVE TAXES	H - REF TO COM ON RULES 05-12-99
H1468	HACKNEY	GROWTH MANAGEMENT ACT OF 1999	H - REF TO COM ON RULES 05-12-99

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H1469	INSKO	STUDY TAX INCENTIVES	H - REF TO COM ON RULES	05-13-99
H1474	ALLRED	LOCAL OPTION FOOD TAX REPEAL	H - RE-REF COM ON FINANCE	05-13-99
H1475	ALLRED	PUBLISH REVENUE-NEUTRAL TAX RATE	H - REF TO COM ON RULES	05-13-99
H1480	MILLER G	INCREASE HOMESTEAD EXEMPTION	*H - RE-REF COM ON APPROP	05-13-99
H1481	MILLER G	AMEND TAX LAWS - 2	H - RE-REF COM ON FINANCE	05-13-99
H1482	MILLER G	CHILD HEALTH INSURANCE INCENTIVE	H - RE-REF COM ON APPROP	05-13-99
H1483	EARLE	STUDY TRAVEL/TOURISM INCENTIVES	H - REF TO COM ON RULES	05-26-99
H1484	MORRIS	RECOGNIZE DAV AUXILIARY	H - REF TO COM ON RULES	05-27-99
H1485	GRAY	HONORING THOMAS H. DAVIS	H - REF TO COM ON RULES	06-07-99
H1486	WOMBLE	COMMEMORATE JUNETEENTH	R - CH. RES 99-16	06-15-99
H1487	SETZER	JAMES IREDELL HONORED	H - ADOPTED	06-21-99
H1488=	COX	HONORING H. D. MABE, JR.	R - CH. RES 99-21	07-13-99
S 6=	RAND	APPROVE TOBACCO SETT. NONPROFIT CORP	*R - CH. SL 99-0002	02-10-99
S 7	ODOM	AG TOURISM SIGNS	*R - CH. SL 99-0356	07-15-99
S 8	HOYLE	SESSION LIMITS IMPLEMENTING	H - REF TO COM ON RULES	03-01-99
S 9	HOYLE	SESSION LENGTH LIMITS	H - REF TO COM ON RULES	03-01-99
S 32	SOLES	CONFIRM ROBERT KOGER	R - CH. RES 99-03	02-22-99
S 53=	COOPER	HONOR NC BAR ASSN	*R - CH. RES 99-02	02-10-99
S 78	SOLES	CONFIRM LINGERFELT APPOINTMENT	R - CH. RES 99-05	03-01-99
S 95	LEE	MODIFY C.C. & UNC BD MEMBERSHIP	*H - RE-REF COM ON RULES	05-27-99
S 109	MILLER B	LOBBYIST DISCLOSURE	H - REF TO COM ON RULES	04-23-99
S 117	SOLES	EXPAND MEMBERSHIP/GOV OPS COMM	*R - CH. SL 99-0405	02-24-99
S 233	SHAW L	ROW PLANS/TIP FUNDING ALLOCATIONS	*R - CH. SL 99-0422	07-08-99
S 247	LEE	SOUTHEAST COMPACT COMMISSION	R - CH. SL 99-0357	07-15-99
S 285	WARREN E	UNIV. HEALTH SYS./JUDICIAL PLATES	*R - CH. SL 99-0403	06-01-99
S 286	REEVES	LOCAL OPTION HOMESTEAD RELIEF	*H - REF TO COM ON RULES	04-13-99
S 289=	PLYLER	ROYALL CHILDREN'S VISION PROGRAM	R - CH. SL 99-0022	03-18-99
S 302=	KINNAIRD	LOCAL HUNTING	*R - CH. SL 99-0301	05-12-99
S 302=	KINNAIRD	LOCAL HUNTING	*R - CH. SL 99-0301	07-09-99
S 328	WELLONS	DOT RIGHT-OF-WAY PLAN FILING	*H - REF TO COM ON RULES	05-25-99

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S 333=	PERDUE	EQUITY IN APPOINTMENTS	*R -CH. SL 99-0457	04-13-99 07-01-99
S 348	FORRESTER	STOP MISUSE OF LASER POINTERS	*R -CH. SL 99-0401	07-12-99 07-14-99
S 365=	ALBERTSON	DEATH ROW INMATE RESTRICTIONS	*R -CH. SL 99-0358	07-13-99 07-14-99
S 393	MILLER B	WRITTEN MOTIONS/SUPPORTING BRIEFS	*H -REF TO COM ON RULES	07-20-99
S 416	FOXX	HONOR SAMUEL ASHE	R -CH. RES 99-07	04-19-99 05-05-99
S 419=	HOYLE	CLARIFY MV DEALER TRANSFER RIGHTS	R -CH. SL 99-0336	04-28-99 05-10-99
S 419=	HOYLE	CLARIFY MV DEALER TRANSFER RIGHTS	R -CH. SL 99-0336	07-07-99 07-09-99
S 420=	HOYLE	CLARIFY MV DEALERS LICENSING LAW	*R -CH. SL 99-0335	04-28-99 05-10-99
S 420=	HOYLE	CLARIFY MV DEALERS LICENSING LAW	*R -CH. SL 99-0335	07-07-99 07-09-99
S 432=	CARPENTER R	HEALTH CARE PERSONNEL REGISTRY CHANG	*H -RE-REF COM ON HEALTH	06-01-99 07-08-99
S 470	LEE	ST. BD. OF EDUC. CONFIRMATION-2	R -CH. RES 99-15	06-15-99 06-16-99
S 586	LEE	TEXTBOOK DISTRIBUTION SYST. MODIFIED	*H -REF TO COM ON RULES	04-29-99
S 595	MARTIN R	MODIFY NE REGIONAL COMMISSION	*H -REF TO COM ON RULES	04-15-99
S 607	BALLANCE	ABC PERMIT MODIFICATIONS	*R -CH. SL 99-0462	04-22-99 07-12-99
S 690	DALTON	DISTRICT COURT ELECTIONS NONPARTISAN	H -RE-REF COM ON RULES	07-06-99 07-14-99
S 690	DALTON	DISTRICT COURT ELECTIONS NONPARTISAN	H -RE-REF COM ON RULES	07-15-99
S 735	ALBERTSON	COMM. COLL. TRUSTEE ELIGIBILITY	H -RE-REF COM ON RULES	04-13-99 07-13-99
S 735	ALBERTSON	COMM. COLL. TRUSTEE ELIGIBILITY	H -RE-REF COM ON RULES	07-13-99 07-15-99
S 735	ALBERTSON	COMM. COLL. TRUSTEE ELIGIBILITY	H -RE-REF COM ON RULES	07-20-99
S 767	MILLER B	LOBBYIST WAITING PERIOD	*H -REF TO COM ON RULES	04-23-99
S 785	ALBERTSON	REGULATION OF LP GAS	*R -CH. SL 99-0344	07-08-99 07-09-99
S 787	SHAW L	DOT STUDY ROCKS FROM OVERPASSES	H -REF TO COM ON RULES	04-28-99
S 800	RAND	EN BANC PROCEDURE	H -RE-REF COM ON RULES	06-10-99
S 812	REEVES	ALCOHOLIC BEVERAGE SALES	R -CH. SL 99-0322	06-02-99 06-21-99
S 829	JORDAN	NO BILLBOARDS ON I-40 EAST	*R -CH. SL 99-0436	05-03-99 07-13-99
S 897=	DALTON	SAFETY PROFESSIONALS	*H -REF TO COM ON RULES	07-09-99
S 913	RAND	INVITING CHIEF JUSTICE MITCHELL	R -CH. RES 99-06	04-14-99 04-15-99
S1018	DALTON	MARRIAGE LICENSES	*R -CH. SL 99-0375	07-05-99 07-07-99
S1019	DALTON	LTD. ENTRY BY SURVEYOR	H -RE-REF COM ON RULES	06-09-99
S1039	PLYLER	ANSON-UNION COMMUNITY COLLEGES	R -CH. SL 99-0060	04-29-99 05-05-99

NOTES- = AFTER BILL NUMBER SHOWS THAT BILL IS IDENTICAL, AS INTRODUCED, TO ANOTHER BILL.

* AFTER NUMBERS INDICATES THAT TEXT OF BILL WAS ALTERED BY ACTION ON THE BILL.

BOLDED LINE INDICATES BILL INDEXED AS AFFECTING APPROPRIATIONS.

NORTH CAROLINA GENERAL ASSEMBLY
COMMITTEE SUMMARY REPORT

1999-2000 Biennium	HOUSE: RULES, CALENDAR & OPERATIONS OF THE HOUSE	Valid Through 31-AUG-1999
BILL	SHORT TITLE	LATEST ACTION ON BILL
S1076	REFORM LOCAL TAX ON RENTAL CARS	*S - PLACED ON CAL FOR 05-08
S1089	MANAGED CARE STUDY	*H - REF TO COM ON RULES
S1149=	PROHIBIT PREDATORY LENDING	*R -CH. SL 99-0332
S1169	HONORING MEMORY DR. DENISON OLMSTED	R -CH. RES 99-19
S1171=	HONORING GEORGE WASHINGTON/BICENTENN	R -CH. RES 99-20
S1174=	HONORING HENDERSON D. MABE, JR.	H -REF TO COM ON RULES
		IN DATE
		OUT DATE

NOTES- = AFTER BILL NUMBER SHOWS THAT BILL IS IDENTICAL, AS INTRODUCED, TO ANOTHER BILL.
 * AFTER NUMBERS INDICATES THAT TEXT OF BILL WAS ALTERED BY ACTION ON THE BILL.
BOLDED LINE INDICATES BILL INDEXED AS AFFECTING APPROPRIATIONS.

AGENDA

**HOUSE COMMITTEE ON RULES, CALENDAR AND
OPERATIONS OF THE HOUSE**

**February 9, 1999
Room 421 LOB
3:00 PM**

OPENING REMARKS

Representative Culpepper, Chairman

CONSIDERATION OF BILLS

ACTION TAKEN ON BILLS

ADJOURNMENT

MINUTES OF COMMITTEE ON RULES, CALENDAR AND OPERATIONS OF THE
HOUSE

February 9, 1999

The first meeting of the Committee on Rules, Calendar and Operations Of The House was held on February 9, 1999 in Room 421 of the Legislative Office Building at 3:00 p.m.

The members of the committee are: Representatives Bill Culpepper, Chairman; Joe Hackney, Vice Chairman; Martha Alexander, Gordon Allen, Flossie Boyd-McIntyre, Jim Crawford, Pete Cunningham, Milton Fitch, Pryor Gibson, Jim Gulley, Dewey Hill, Mary Jarrell, Paul Leubke, Eugene McCombs, Edwin McMahan, Mickey Michaux, Edd Nye, Liston Ramsey, Joe Tolson, Steve Wood, Thomas Wright, Douglas Yongue. All members were present. Also in attendance were Beverly Earle, Majority Whip, Andy Dedmon, Majority Whip, and Phil Baddour, Majority Leader.

Chairman Culpepper recognized the pages in attendance and the members of the Sergeant at Arms staff assisting the committee. The chairman then welcomed the members of the committee, other members in attendance, staff and visitors after which members and staff introduced themselves.

The chairman then stated that the purpose of the meeting was for consideration of House Resolution 51, A HOUSE RESOLUTION ADOPTING THE PERMANENT RULES OF THE REGULAR SESSIONS OF THE NORTH CAROLINA HOUSE OF REPRESENTATIVES OF THE 1999 GENERAL ASSEMBLY and recognized Representative Baddour to explain the resolution. After the resolution was explained by Representative Baddour, Representative Yongue sent forward a proposed committee substitute and moved that it be considered. The motion carried. The chairman advised that the committee substitute was strictly for technical amendments and explained the changes. Following questions by the members, Representative Yongue moved for adoption of the committee substitute and an unfavorable report as to the original resolution. The motion carried.

The meeting adjourned at 4:00 p.m.

Respectfully submitted,


Representative Bill Culpepper, Chairman


Dorothy C. Crocker, Committee Assistant

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1999

H

D

HOUSE RESOLUTION 51
Proposed Committee Substitute H51-PCS7014-LB

Sponsors:

Referred to:

February 9, 1999

1 A HOUSE RESOLUTION ADOPTING THE PERMANENT RULES OF THE
2 REGULAR SESSIONS OF THE NORTH CAROLINA HOUSE OF
3 REPRESENTATIVES OF THE 1999 GENERAL ASSEMBLY.

4 Be it resolved by the House of Representatives:

5 Section 1. The permanent rules of the Regular Sessions of the House of
6 Representatives of the 1999 General Assembly are:

7 PERMANENT RULES OF THE REGULAR SESSIONS OF THE
8 HOUSE OF REPRESENTATIVES OF THE 1999
9 GENERAL ASSEMBLY OF NORTH CAROLINA

- 10 I. Order of Business, 1-5
11 II. Conduct of Debate, 6-12
12 III. Motions, 13-19
13 IV. Voting, 20-25
14 V. Committees, 26-30
15 VI. Handling of Bills, 31-44.1
16 VII. Legislative Officers and Employees, 45-49
17 VIII. Privileges of the Hall, 50-53
18 IX. General Rules, 54-62

19 I. Order of Business

20 RULE 1. Convening Hour, Limitation on Friday, Night, and Sunday
21 Legislative Sessions. -- The House shall convene each legislative day at the hour fixed
22 by the House. In the event the House adjourns on the preceding legislative day
23 without having fixed an hour for reconvening, the House shall convene on the next
24 legislative day at 2:00 p.m. During January and February of 1999, no sessions may be
25 held on Friday. No session shall continue after 10:00 p.m. on Monday nor after 9:00

1 p.m. on any other days, and the Speaker shall adjourn the House without motion at
2 that point, except that a motion may be made as to the time and day of next
3 convening. No session shall be held on Sunday.

4 **RULE 2. Opening the Session.** -- At the convening hour on each
5 legislative day, the Speaker shall call the members to order and shall have the session
6 opened with prayer. At the convening hour on the first day of each legislative week,
7 the Speaker, or his designee, shall lead the members in the Pledge of Allegiance to
8 the American Flag.

9 **RULE 3. Quorum.** -- (a) A quorum consists of a majority of the
10 qualified members of the House.

11 (b) Should the point of a quorum be raised, the doors shall be closed,
12 and the Clerk shall call the roll of the House, after which the names of those not
13 responding shall again be called. In the absence of a quorum, 15 members are
14 authorized to compel the attendance of absent members and may order that absentees
15 for whom no sufficient excuses are made be taken into custody wherever they may be
16 found by special messenger appointed for that purpose.

17 **RULE 4. Approval of Journal.** -- (a) The Standing Committee on Rules,
18 Calendar, and Operations of the House shall cause the Journal of the House to be
19 examined daily before the hour of convening to determine if the proceedings of the
20 previous day have been correctly recorded.

21 (b) Immediately following the opening prayer and upon appearance of a
22 quorum, the Speaker shall call for the Journal report by the Chair of the Standing
23 Committee on Rules, Calendar, and Operations of the House, or by a Representative
24 designated by the Chair, as to whether the proceedings of the previous day have been
25 correctly recorded. Without objection, the Speaker shall cause the Journal to stand
26 approved.

27 **RULE 5. Order of Business of the Day.** -- After the approval of the
28 Journal of the preceding day, the House shall proceed to business in the following
29 order:

- 30 (1) The receiving of petitions, memorials, and papers addressed to the
31 General Assembly or to the House;
- 32 (1a) Messages from the Governor;
- 33 (2) Ratification of bills;
- 34 (3) Reports of standing committees and permanent subcommittees;
- 35 (4) Reports of select committees;
- 36 (5) Reports of referral by standing committee Chairs of bills to
37 permanent subcommittees;
- 38 (6) First reading and reference to committee of bills and resolutions;
- 39 (7) Messages from the Senate;
- 40 (8) Concurrence with Senate amendments or Senate committee
41 substitutes;
- 42 (9) The unfinished business of the preceding day;
- 43 (10) Calendar (each category in accordance with Rule 40):
 - 44 a. Local bills (roll call) third reading

- 1 b. Local bills (roll call) second reading
- 2 c. Local bills third reading
- 3 d. Local bills second reading
- 4 e. Public bills (roll call) third reading
- 5 f. Public bills (roll call) second reading
- 6 g. Public bills and resolutions, third reading
- 7 h. Public bills and resolutions, second reading;
- 8 (11) Reading of notices and announcements.

9 II. Conduct of Debate

10 **RULE 6. Duties and Powers of the Speaker.** -- The Speaker shall have
11 general direction of the Hall. With the consent of or in the absence of the Speaker
12 Pro Tempore, the Speaker may name any member to perform the duties of the Chair,
13 but substitution shall not extend beyond one day, except in the case of sickness or by
14 leave of the House.

15 **RULE 7. Obtaining Floor.** -- (a) When any member desires recognition
16 for any purpose, the member shall rise and respectfully address the Speaker. No
17 member shall proceed until recognized by the Speaker for a purpose.

18 (b) When a member desires to interrupt a member having the floor, the
19 member shall first obtain recognition by the Speaker and permission of the member
20 occupying the floor, and when such recognition and permission have been obtained,
21 he or she may propound a question to the member occupying the floor; but he or she
22 shall not otherwise interrupt the member having the floor, except as provided in
23 subsection (c) of this rule; and the Speaker shall, without the point of order being
24 raised, enforce this rule.

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

- 27 (1) A request that the member speaking yield for a question,
- 28 (2) A point of order,
- 29 (3) A parliamentary inquiry, or
- 30 (4) A question of privilege.

31 **RULE 8. Questions of Privilege.** -- Upon recognition by the Speaker for
32 that purpose, any member may speak to a question of privilege for a time not to
33 exceed three minutes. Questions of privilege shall be those affecting, first, the rights
34 of the House collectively, its safety, dignity, and the integrity of its proceedings;
35 second, the rights, reputation, and conduct of members, individually, in their
36 representative capacity only; and shall have precedence over all other questions,
37 except motions to adjourn. Privilege may not be used to explain a vote or debate a
38 bill. The Speaker shall determine if the question is one of privilege and shall,
39 without the point of order being raised, enforce this rule.

40 **RULE 9. Points of Order.** -- (a) The Speaker shall decide questions of
41 order and may speak to points of order in preference to other members arising from
42 their seats for that purpose. Any member may appeal from the ruling of the Chair
43 on questions of order; on such appeal no member may speak more than once, unless

1 by leave of the House. A two-thirds (2/3) vote of the members present shall be
2 necessary to sustain any appeal from the ruling of the Chair.

3 (b) When the Speaker calls a member to order, the member shall be
4 seated except that a member called to order may clear a matter of fact, or explain,
5 but shall not proceed in debate so long as the decision stands. If the member appeals
6 from the ruling of the Chair and the decision by a two-thirds (2/3) vote of the
7 members present be in favor of the member called to order, the member may
8 proceed; if otherwise, the member shall not; and if the case, in the judgment of the
9 House, requires it, the member shall be liable to censure by the House.

10 **RULE 10. Limitations on Debate.** -- (a) No member shall speak on,
11 debate, or solicit cosponsors for a bill or resolution at its first reading.

12 (b) No member shall speak more than twice on the main question, nor
13 longer than 20 minutes for the first speech and 10 minutes for the second speech; nor
14 shall the member speak more than twice upon an amendment or motion to
15 reconsider, re-refer, appeal, or postpone, and then not longer than 10 minutes for the
16 first speech and five minutes for the second speech.

17 (c) A member may speak only once and for not more than 20 minutes
18 on the question of the adoption of a minority report.

19 (d) The House, by consent of a majority of the members present, may
20 suspend the operation of subsections (b) and (c) of this rule during any debate on any
21 particular question before the House.

22 **RULE 11. Reading of Papers.** -- When there is a call for the reading of
23 the text of a paper which has been presented to the House, and there is objection to
24 such reading, the question shall be determined by a majority vote of the members of
25 the House present. Except for protests permitted by the Constitution, no member
26 may have material printed in the Journal until said material has been presented to
27 the House and the printing approved by the House, and said material shall not
28 exceed 1,000 words.

29 **RULE 12. General Decorum.** -- (a) The Speaker shall preserve order
30 and decorum.

31 (b) Decency of speech shall be observed and disrespect to personalities
32 carefully avoided.

33 (c) When the Speaker is putting any question, or addressing the House,
34 no person shall speak, stand up, walk out of, or cross the House, nor when a member
35 is speaking, engage in disruptive discourse or pass between the member and the
36 Chair.

37 (d) Food or beverages shall not be permitted on the floor of the House
38 during the first two hours of the daily session.

39 (e) The reading of newspapers shall not be permitted on the floor of the
40 House while the House is in session.

41 (f) Smoking or the consumption of food or beverages shall not be
42 permitted in the galleries at any time.

1 (g) Special recitals and performances by musicians or other groups shall
2 not be permitted on the floor of the House; and special guests of members of the
3 House shall not be permitted on the floor of the House.

4 (h) Members shall observe appropriate attire, coat and tie for male
5 members and dignified dress for female members.

6 (i) The use of wireless telephones shall not be permitted in the House
7 Chamber.

8 III. Motions

9 RULE 13. **Motions Generally.** -- (a) Every motion shall be reduced to
10 writing if the Speaker or any two members request it. No motion relating to a bill
11 shall be in order which does not identify the bill by its number and short title.

12 (b) When a motion is made, it shall be stated by the Speaker, or, if
13 written, it shall be handed to the Chair and read aloud by the Speaker or Clerk
14 before debate.

15 (c) After a motion has been stated by the Speaker or read by the
16 Speaker or Clerk, it shall be in the possession of the House; but it may be withdrawn
17 before a decision or amendment, except in case of a motion to reconsider, which
18 motion, when made by a member, shall be in possession of the House and shall not
19 be withdrawn without leave of the House.

20 RULE 14. **Motions, Order of Precedence.** -- When there are motions
21 before the House, the order of precedence is as follows:

22 To adjourn

23 To lay on the table

24 Previous question

25 To postpone indefinitely

26 To reconsider

27 To postpone to a day certain

28 To re-refer

29 To amend an amendment

30 To amend

31 To substitute

32 To pass the bill

33 No motion to lay on the table, to postpone indefinitely, to postpone to a
34 day certain, to re-refer or to make a particular amendment, being decided, shall be
35 again allowed at the same stage of the bill or proposition.

36 RULE 15. **Motion to Adjourn.** -- (a) A motion to adjourn shall be
37 seconded before the motion is put to the vote of the House.

38 (b) A motion to adjourn shall be decided without debate and shall
39 always be in order, except when the House is voting or some member is speaking; but
40 a motion to adjourn shall not follow a motion to adjourn until debate or some other
41 business of the House has intervened.

42 RULE 16. **Motion to Table.** -- (a) A motion to table shall be seconded
43 before the motion is put to the vote of the House and is in order except when a
44 motion to adjourn is before the House.

1 (b) A motion to table shall be decided without debate.

2 (c) A motion to table a bill shall constitute a motion to table the bill and
3 all amendments thereto.

4 (d) When the question before the House is the adoption of an
5 amendment to a bill or resolution, a motion to table the bill is not in order; and a
6 motion to table an amendment applies to the amendment only, and the motion may
7 not expressly or by implication or construction be expanded to include a motion to
8 table the bill also.

9 (e) When a question has been tabled, it shall not thereafter be
10 considered except on motion to reconsider under Rule 18 or to remove from the
11 table approved by a two-thirds (2/3) vote.

12 **RULE 17. Motion to Postpone Indefinitely.** -- A motion to postpone
13 indefinitely is in order except when a motion to adjourn or to lay on the table or for
14 the previous question is before the House. However, after one motion to postpone
15 indefinitely has been decided, another motion to postpone indefinitely shall not be
16 allowed at the same stage of the bill or proposition. When a question has been
17 postponed indefinitely, it shall not thereafter be considered except on motion to
18 reconsider under Rule 18 or to place on the favorable calendar approved by a two-
19 thirds (2/3) vote.

20 **RULE 18. Motion to Reconsider.** -- (a) When a question has been
21 decided, it is in order for any member to move for the reconsideration thereof on the
22 same or the succeeding legislative day; provided that if the vote by which the motion
23 was originally decided was taken by a recorded vote, only a member of the prevailing
24 side may move for reconsideration.

25 (b) A motion to reconsider shall be determined by a majority vote,
26 except the following shall require a two-thirds (2/3) vote: a second or subsequent
27 motion to reconsider and a motion to reconsider:

28 (1) A vote upon a motion to table,

29 (2) A motion to postpone indefinitely,

30 (3) A motion to remove a bill from the unfavorable calendar,

31 (4) A motion that a bill be read twice on the same day, or

32 (5) A motion to remove from the table.

33 (c) A motion to reconsider the vote by which a person has been elected
34 as Speaker or Speaker Pro Tempore shall not be in order. This subsection of this
35 rule cannot be suspended.

36 **RULE 19. Previous Question.** -- (a) The previous question may be called
37 only by:

38 (1) The Chair of the Committee on Rules, Calendar, and Operations
39 of the House;

40 (2) The majority leader;

41 (3) The Speaker Pro Tempore;

42 (4) The member submitting the report on the bill or other matter
43 under consideration;

- 1 (1) Second reading of all public bills, all amendments to public bills
2 offered after second reading, third reading if a public bill was
3 amended after second reading or if the reading occurs on a day or
4 days following the second reading, all conference reports on public
5 bills, all motions to lay public bills on the table, and all motions to
6 postpone public bills indefinitely.
- 7 (2) Upon a call for division.
- 8 (3) Any other question upon direction of the Speaker or upon motion
9 of any member supported by one-fifth (1/5) of the members
10 present.
- 11 (c) When the electronic voting system is used, 15 seconds shall be
12 allowed for voting on the question before the House, unless the Chair shall direct
13 otherwise. The system shall be set to close automatically when that time has expired.
14 Once the system is locked, the vote shall be recorded and printed.
- 15 (d) The voting station at each member's desk in the Chamber shall be
16 used only by the member to which the station is assigned. Under no circumstances
17 shall any other person vote at a member's station. It is a breach of the ethical
18 obligation of a member either to request that another person vote at the requesting
19 member's station or to vote at another member's station. The Speaker shall enforce
20 this rule without exception.
- 21 (e) When the electronic voting system is used, the Speaker shall state the
22 question and shall then state substantially the following: "All in favor vote 'aye'; all
23 opposed vote 'no'; the Clerk will open the vote." In order to have the vote recorded,
24 the member must vote by the electronic voting system within the time allowed for
25 that vote, unless the voting station assigned to a member is malfunctioning. The
26 Speaker shall enforce this rule without exception. After the allotted time for voting
27 has elapsed, the Speaker shall say: "The Clerk will now lock the machine and record
28 the vote." After the machine is locked and the vote recorded, the Speaker shall
29 announce the vote and declare the result.
- 30 (f) One copy of the machine printout of the vote record of all votes
31 taken on the electronic system shall be filed in the office of the Principal Clerk, and
32 two copies shall be filed in the Legislative Library where the copies shall be open to
33 public inspection. A legible copy of the bill, amendment, or motion on which the
34 vote was taken shall be filed with the printout of the vote in the Legislative Library.
- 35 (g) When the Speaker ascertains that the electronic voting system is
36 inoperative before a vote is taken or while a vote is being taken on the electronic
37 system, the Speaker shall announce that fact to the House, and any partial electronic
38 system voting record shall be voided. In such a case, if the Constitution of North
39 Carolina or the Rules of the House require a call of the ayes and noes, the Clerk
40 shall call the roll of the House, and the ayes and noes shall be taken manually and
41 shall be recorded on the Journal. All roll call votes shall be taken alphabetically. If,
42 after a vote is taken on the electronic system, it is discovered that a malfunction
43 caused an error in the electronic system printout, the Speaker shall direct the

1 Reading Clerk and the Principal Clerk to verify and correct the printout record and
2 so advise the House.

3 (h) For the purpose of identifying motions on which the vote is taken on
4 the electronic system, the motions are coded as follows:

5 (1) To adjourn

6 (2) To lay on the table

7 (3) Previous question

8 (4) To postpone indefinitely

9 (5) To reconsider

10 (6) To postpone to a day certain

11 (7) To re-refer

12 (8) To amend an amendment

13 (9) To amend

14 (10) To substitute

15 (11) To concur or not concur

16 (12) Miscellaneous

17 **RULE 21. Voice Votes; Stating Questions.** -- (a) All other votes except
18 those required to be taken on the electronic voting system shall be taken by voice
19 vote.

20 (b) When a voice vote is taken the Speaker shall put the question
21 substantially as follows: "Those in favor (as the question may be) will say 'Aye'", and
22 after the affirmative voice has been expressed, "Those opposed will say 'No'".

23 (c) No statement, explanation, debate, motion, parliamentary inquiry, or
24 point of order shall be allowed once the voice vote has begun. Any point of order or
25 parliamentary inquiry may be raised, however, after the completion of the vote.

26 **RULE 22. Determining Questions.** -- (a) Unless otherwise provided by
27 the Constitution of North Carolina or by these rules, all questions shall be
28 determined by a simple majority of the members present and voting.

29 (b) No member may vote unless the member is in the Chamber when the
30 question is put. This subsection of this rule cannot be suspended.

31 **RULE 23. Voting by Division.** -- Any member may call for a division of
32 the members upon the question before the result of the vote has been announced.
33 Upon a call for a division, the Speaker shall cause the number voting in the
34 affirmative and in the negative to be determined. Upon a division and count of the
35 House on any question, no member away from the member's seat shall be counted.

36 **RULE 24. Roll Call Vote.** -- (a) Before a question is put, any member
37 may call for the ayes and noes. If the call is sustained by one-fifth (1/5) of the
38 members present, the question shall be decided by the ayes and noes upon a roll call
39 vote.

40 (b) Every member who is in the Hall of the House when the question is
41 put shall vote upon a call of the ayes and noes, unless excused pursuant to Rule
42 24.1A.

43 **RULE 24.1A. Excuse From Deliberations and Voting on a Bill.** -- (a)
44 Any member shall, upon request, be excused from the deliberations and voting on a

1 particular bill, but to do so must make that request after the second reading of the
2 bill and before any motion or vote on the bill or any amendment thereto. If the
3 reason for the request arises at some point later in the proceedings, the request may
4 be made at that time.

5 (b) The member may make a brief oral statement of the reasons for
6 making the request. The member may send forward to the Principal Clerk, on a
7 form provided by the Clerk, a concise written statement of the reason for the request,
8 and the Clerk shall include this statement in the Journal.

9 (c) The member so excused shall not debate the bill or any amendment
10 to the bill, vote on the bill, offer or vote on any amendment to the bill, or offer or
11 vote on any motion concerning the bill at that reading, any subsequent reading, or
12 any subsequent consideration of the bill.

13 (d) A member may request that his or her excuse from deliberations on
14 a particular bill be withdrawn.

15 **RULE 24.1B. Division of Amendments.** -- Any member may call for an
16 amendment to be divided into two or more amendments to be voted on separately,
17 and the Speaker shall determine whether the amendment admits of such a division.

18 **RULE 25. Voting by Speaker.** -- In all elections the Speaker may vote.
19 In all other instances the Speaker may vote or may reserve this right until there is a
20 tie in which event the Speaker may vote; but in no instance may the Speaker vote
21 twice on the same question.

22 V. Committees

23 **RULE 26. Standing Committees and Permanent Subcommittees**
24 **Generally.** -- (a) The Speaker shall appoint a Chair, or Cochairs, of every standing
25 committee, permanent subcommittee, and select committee, if any. In the
26 construction of these rules, the word "Chair" as applied to a committee extends to
27 and includes a Cochair of the committee. The Speaker shall have the exclusive right
28 and authority to establish select committees, but this does not exclude the right of the
29 House by resolution to establish select committees.

30 (b) All permanent subcommittees of each standing committee shall be
31 appointed by the Speaker, and the members appointed, along with the Chair of the
32 standing committee, shall constitute the standing committee of which the permanent
33 subcommittee is a part. The Speaker shall appoint all members of permanent
34 subcommittees at the beginning of the first regular session in a manner to reflect the
35 partisan membership of the House.

36 (c) The Speaker shall appoint the members of all standing committees
37 having no permanent subcommittees at the beginning of the first regular session in a
38 manner to reflect the partisan membership of the House.

39 (d) Each Chair of a permanent subcommittee shall be a Vice-Chair of
40 the standing committee of which it is a permanent subcommittee. The Speaker may
41 name other members as Vice-Chairs of the standing committee. The Speaker may
42 name one or more Vice-Chairs for any standing committee not having permanent
43 subcommittees.

1 (e) The Chair of the standing committee shall be a voting member of
2 each permanent subcommittee of the standing committee.

3 (f) Either the Chair or Acting Chair, designated by the Chair or by the
4 Speaker, and five other members of the standing committee or permanent
5 subcommittee, or a majority of the standing committee or permanent subcommittee,
6 whichever is fewer, shall constitute a quorum of that standing committee or
7 permanent subcommittee. For purposes of determining a quorum, the Speaker Pro
8 Tempore, Majority Leader, Majority Whips, and the person designated by the
9 Speaker when serving only as ex officio members under subsection (h) of this rule,
10 shall be counted among the membership of the committee or subcommittee only
11 when present.

12 (g) In any joint meeting of the Senate and House committees or
13 subcommittees, the House standing committee or permanent subcommittee reserves
14 the right to vote separately.

15 (h) The Speaker Pro Tempore, Majority Leader, two Majority Whips, and
16 one member designated by the Speaker at the time of appointments of chairs of
17 standing committees are ex officio members of every standing committee and
18 permanent subcommittee, with the right to vote. No more than four of these persons
19 may vote under the authority of this subsection at any committee meeting.

20 **RULE 26.1. Mentions of Standing Committee Includes Select Committee.**

21 -- Any reference in these rules to standing committees shall extend to select
22 committees unless the context requires otherwise.

23 **RULE 27. List of Standing Committees and Permanent Subcommittees. --**

24 The standing committees and permanent subcommittees thereof are:

25 Committees	26 Subcommittees
27 Aging	(None)
28 Agriculture	(None)
29 Alcoholic Beverage Control	(None)
30 Appropriations	-Capital
31	-Education
32	-General Government
33	-Health and Human Services
34	-Justice and Public Safety
35	-Natural and Economic
36	Resources
37	-Transportation
38 Children, Youth and Families	(None)
39 Cultural Resources	(None)
40	
41	
42	
43	
44	

1	Economic Growth and Community	
2	Development	(None)
3		
4	Education	-Community Colleges
5		-Pre-School, Elementary
6		and Secondary Education
7		-Universities
8		
9	Election Law and	
10	Campaign Finance Reform	(None)
11		
12	Environment and	
13	Natural Resources	(None)
14		
15	Ethics	(None)
16		
17	Finance	(None)
18		
19	Financial Institutions	(None)
20		
21	Health	(None)
22		
23	Highway Safety	(None)
24		
25	Insurance	(None)
26		
27	Judiciary I	(None)
28		
29	Judiciary II	(None)
30		
31	Judiciary III	(None)
32		
33	Judiciary IV	(None)
34		
35	Law Enforcement	(None)
36		
37	Local Government I	(None)
38		
39	Local Government II	(None)
40		
41	Marine Fisheries	(None)
42		
43	Mental Health	(None)
44		

1	Military, Veterans and	
2	Indian Affairs	(None)
3		
4	Occupational Safety and Health	(None)
5		
6	Pensions and Retirement	(None)
7		
8	Public Health	(None)
9		
10	Public Utilities	(None)
11		
12	Rules, Calendar, and	
13	Operations of the House	(None)
14		
15	Small Business	(None)
16		
17	State Parks and Properties	(None)
18		
19	State Personnel	(None)
20		
21	Technology	(None)
22		
23	Transportation	(None)
24		
25	Travel and Tourism	(None)
26		
27	University Board of Governors	
28	Nominating	(None)
29		
30	Ways and Means	(None)
31		
32	Welfare Reform	(None)
33		
34	Wildlife Resources	(None)

35 **RULE 28. Standing Committee and Permanent Subcommittee Meetings.**
36 -- (a) Standing committees and permanent subcommittees of standing committees
37 shall be furnished with suitable meeting places pursuant to a schedule adopted by the
38 Standing Committee on Rules, Calendar, and Operations of the House. Select
39 committees shall be furnished with suitable meeting places as their needs require by
40 the Chair of the Standing Committee on Rules, Calendar, and Operations of the
41 House.

42 (b) Subject to the provisions of subsection (c) of this rule, standing
43 committees and permanent subcommittees thereof shall permit other members of the

1 General Assembly, the press, and the general public to attend all sessions of said
2 standing committees or permanent subcommittees.

3 (c) The Chair or other presiding officer shall have general direction of
4 the meeting place of the standing committee or permanent subcommittee and, in case
5 of any disturbance or disorderly conduct therein, or if the peace, good order, and
6 proper conduct of the legislative business is hindered by any person or persons, the
7 Chair or presiding officer shall have power to exclude from the session any individual
8 or individuals so hindering the legislative business.

9 (d) Procedure in the standing committees and permanent subcommittees
10 shall be governed by the rules of the House, so far as the same may be applicable to
11 such procedure. Before a question is put, any member may call for the ayes and
12 noes. If the call is sustained by one-fifth (1/5) of the members present, the question
13 shall be decided by the ayes and noes upon a roll call vote. All roll call votes shall
14 be taken alphabetically and shall be subject to Rule 21(c).

15 (e) No standing committee or permanent subcommittee shall meet on
16 any day when the House shall not convene except by permission of the Speaker or by
17 approval of the House by resolution adopted by a majority vote of the House.

18 (f) No standing committee or permanent subcommittee shall meet during
19 any session of the House. Standing committees and permanent subcommittees shall
20 meet at their regularly scheduled hour. No permanent subcommittee shall meet at
21 the same time that its standing committee is meeting. Standing committees and
22 permanent subcommittees may meet at other times as authorized by the Chair of the
23 Standing Committee on Rules, Calendar, and Operations of the House in order to
24 assure the availability of the meeting room and that no conflicts will exist with the
25 meetings of other bodies. All standing committee and permanent subcommittee
26 meetings shall adjourn no later than:

- 27 (1) 15 minutes preceding a regular session of the House, and
28 (2) 10 minutes preceding the hour of the next regularly scheduled
29 standing committee or permanent subcommittee meeting.

30 (g) Any call or notice of a standing committee or permanent
31 subcommittee meeting between legislative sessions shall be mailed to each member of
32 the standing committee or permanent subcommittee at least five days prior to such
33 meeting. If a member of the body so requests in writing to the Chair of the standing
34 committee or permanent subcommittee, the member shall be notified by certified
35 mail of the meetings.

36 (h) During standing committee and permanent subcommittee meetings,
37 the Chair may exercise the right to vote, or may reserve this right until there is a tie,
38 in which event the Chair may vote, but in no instance may the Chair vote twice on
39 the same question.

40 **RULE 28.1. Ethics Committee Investigations Into Violations of the Open**
41 **Meetings Law.** -- (a) On its own motion, or in response to signed and sworn
42 complaint of any individual filed with the Standing Committee on Ethics, the
43 Committee shall inquire into any alleged violation by members of the House of the

1 Open Meetings Law (Article 33C of Chapter 143 of the General Statutes), as the
2 same may be amended in the future.

3 (b) If, after such preliminary investigation as it may make, the Committee
4 determines to proceed with an inquiry into the conduct of any individual, the
5 Committee shall notify the individual as to the fact of the inquiry and the charges
6 against him and shall schedule one or more hearings on the matter. The individual
7 shall have the right to present evidence, cross-examine witnesses, and be represented
8 by counsel at any hearings.

9 (c) After the Committee has concluded its inquiries into the alleged
10 violations, the Committee shall dispose of the matter by taking one of the following
11 actions:

- 12 (1) Dismiss the complaint and take no further action.
- 13 (2) Issue a private letter of reprimand to the legislator, if the legislator
14 unintentionally violated the provisions of the Open Meetings Law.
- 15 (3) Issue a public letter of reprimand if the violation of the Open
16 Meetings Law was intentional, or if the legislator has previously
17 received a private letter of reprimand. The Chair of the
18 Committee on Ethics shall have the public letter of reprimand
19 spread on the pages of the House Journal.
- 20 (4) Refer the matter to the House for appropriate action.

21 **RULE 29. Notice of Standing Committee and Permanent Subcommittee**
22 **Meetings and Hearings.** -- Public notice of all standing committee and permanent
23 subcommittee meetings shall be given in the House. The Chair of the standing
24 committee or permanent subcommittee shall notify or cause to be notified the
25 sponsor of each bill which is set for hearing or consideration before the standing
26 committee or permanent subcommittee as to the date, time, and place of that
27 meeting.

28 **RULE 29.1. Public Hearings.** -- (a) Requests for a public hearing shall
29 be made in writing to the Chair of the standing committee and, if applicable, the
30 Chair of the permanent subcommittee to which the bill has been referred. The Chair
31 of the standing committee may schedule a public hearing by the standing committee
32 as a whole after the adjournment of a regular daily House session. The Chair of the
33 permanent subcommittee may schedule a public hearing before the permanent
34 subcommittee at its regularly scheduled hour. Denial of a request made by a House
35 member may be appealed to the Speaker.

36 Notice shall be given not less than five calendar days prior to public
37 hearings. These notices shall be issued as information for the press and shall be
38 posted in the places designated by the Principal Clerk.

39 (b) Persons desiring to appear and be heard at a public hearing shall
40 submit their requests to the Chair of the standing committee or permanent
41 subcommittee. The standing committee or permanent subcommittee Chair may
42 designate one or more members to arrange the order of appearance of interested
43 parties. A brief written statement of testimony may be submitted without oral
44 presentation and shall be incorporated into the minutes of the public hearing.

1 amended. Captions of public bills may be amended only by amendment proposed by
2 the standing committee to which the bill was referred. Third reading shall not be
3 had on any bill or resolution on the same day that such caption is amended.

4 (e) A Substitute Bill shall be covered with the same color jacket as the
5 original bill and shall be prefaced as follows:

6 "House Committee Substitute for _____".

7 (f) House Resolutions need not be read more than twice.

8 (g) All memorializing, celebration, commendation, and commemoration
9 resolutions, except those honoring the memory of deceased persons, shall be excluded
10 from introduction and consideration in the House.

11 (h) Any reference in these rules to bills shall extend to resolutions unless
12 the context requires otherwise.

13 **RULE 31.1. Deadlines on Introduction and Receipt of Limitation on**
14 **Number of Public Bills Introduced; Single Subject Rule.** -- (a) All public bills or
15 resolutions recommended by commissions or standing committees authorized or
16 directed by act or resolution of the General Assembly to report to the 1999 Regular
17 Session of the General Assembly, or to report prior to convening of that session, must
18 have been submitted to the Bill Drafting Division of the Legislative Services Office
19 by 4:00 p.m. on the fourth Wednesday in February (February 24) and must be
20 introduced not later than 3:00 p.m. on the next Wednesday (March 3) of the first year
21 of the biennial session; and

22 (a1) All bills prepared to be introduced for departments, agencies, or
23 institutions of the State must have been submitted to the Bill Drafting Division of the
24 Legislative Services Office by 4:00 p.m. on the fourth Wednesday in February
25 (February 24) and must be introduced not later than 3:00 p.m. on the next
26 Wednesday (March 3). A bill introduced under this subsection shall be identified as
27 an Agency Bill after its short title.

28 (a2) All local bills must have been submitted to the Bill Drafting
29 Division of the Legislative Services Office by 4:00 p.m. on the fourth Wednesday in
30 March (March 24) and must be introduced not later than 3:00 p.m. on the next
31 Wednesday (March 31) of the first year of the biennial session.

32 (b) All public bills which would not be required to be re-referred to the
33 Appropriations or Finance Committees under Rule 38 must have been submitted to
34 the Bill Drafting Division of the Legislative Services Office by 4:00 p.m. on the first
35 Wednesday in April (April 7) and must be introduced not later than 3:00 p.m. on the
36 next Wednesday (April 14) of the first year of the biennial session.

37 (c) All public bills which under Rule 38 would be required to be re-
38 referred to the Appropriations Committee, or to both the Appropriations and
39 Finance Committees, must have been submitted to the Bill Drafting Division of the
40 Legislative Services Office by 4:00 p.m. on the third Wednesday in April (April 21)
41 and must be introduced not later than 3:00 p.m. on the next Wednesday (April 28) of
42 the first year of the biennial session. All public bills which under Rule 38 would be
43 required to be re-referred to the Finance Committee but not the Appropriations
44 Committee must have been submitted to the Bill Drafting Division of the Legislative

1 Services Office by 4:00 p.m. on the first Wednesday in May (May 5) and must be
2 introduced not later than 3:00 p.m. on the next Wednesday (May 12) of the first year
3 of the biennial session. If any bill is eligible for introduction on account of the date
4 only under this subsection, and the bill is amended so that qualifying appropriation or
5 tax law change does not remain in the bill, it shall not be eligible for further
6 consideration. For the purpose of this section, a "tax law change" includes any
7 provision that would require a bill under Rule 38(b) to be referred to the Standing
8 Committee on Finance.

9 (d) In order to be eligible for consideration by the House during the first
10 Regular Session, all Senate bills other than finance or appropriations bills which
11 would be required to be re-referred to the Appropriations or Finance Committees
12 under Rule 38 or adjournment resolutions, must be received and read on the floor of
13 the House as a message from the Senate no later than April 29; provided that a
14 message from the Senate received by the next legislative day stating that a bill has
15 passed its third reading and is being engrossed shall comply with the requirements of
16 this subsection and provided that the Senate has a similar rule.

17 (d1) Except by motion approved by a majority of members of the House
18 present and voting, no public House bill other than the Current Operations
19 Appropriations Act or the Capital Improvement Appropriations Act may contain
20 more than one subject.

21 (e) This rule, other than subsection (d1), does not apply to bills
22 establishing districts for Congress or State or local entities. This rule, other than
23 subsection (d1), does not apply to measures ratifying an amendment or amendments
24 to the Constitution of the United States.

25 **RULE 32. Reference to Standing Committee and to Permanent**
26 **Subcommittees; Serial Referrals.** -- (a) Each bill, joint resolution, or House resolution
27 not introduced on the report of a standing committee shall immediately upon its first
28 reading be referred by the Speaker to such standing committee or permanent
29 subcommittee as the Speaker deems appropriate. The Speaker at the same time may
30 order that, if the bill is reported with any favorable recommendation or without
31 prejudice, it be re-referred automatically upon the committee report to another
32 committee or permanent subcommittee designated in the order.

33 (b) The standing committee Chair may refer each bill referred to the
34 standing committee to the permanent subcommittee specifically charged with the
35 subject matter of the bill. A report of that referral shall be made in writing and
36 submitted to the body pursuant to Rule 5(5). Except as provided in Rule 36, the
37 permanent subcommittee to which the bill is referred shall report the bill back to the
38 full standing committee. That subcommittee report shall include one of the following
39 recommendations:

40 (1) Favorable, without prejudice, or unfavorable as to the original bill
41 with the recommendation that the report be made to the standing
42 committee;

- 1 (2) Favorable, without prejudice, or unfavorable as to the original bill,
2 as amended, with the recommendation that the report be made to
3 the standing committee;
- 4 (3) Favorable or without prejudice to the proposed committee
5 substitute, and unfavorable to the original bill, with the
6 recommendation that the report be made to the standing
7 committee;
- 8 (4) Favorable as to the original bill with the recommendation that the
9 report be made directly to the floor of the House, if approved by
10 the standing committee Chair;
- 11 (5) Favorable to the original bill, as amended, with the
12 recommendation that the report be made directly to the floor of
13 the House, if approved by the standing committee Chair; or
- 14 (6) Favorable to the proposed committee substitute with the
15 recommendation that the report be made directly to the floor of
16 the House, if approved by the standing committee Chair, and
17 unfavorable to the original bill.

18 Any recommendation of favorable or without prejudice may include a
19 recommendation of re-referral to another standing committee. After a bill is reported
20 to a standing committee by a permanent subcommittee of that standing committee,
21 the standing committee Chair may re-refer the bill to another permanent
22 subcommittee of that standing committee.

23 Upon recommendation to the standing committee, the bill shall be before
24 that body for further action unless the permanent subcommittee Chair reports the bill
25 directly pursuant to Rule 36.

26 **RULE 33. Papers Addressed to the House.** -- Petitions, memorials, and
27 other papers addressed to the House shall be presented by the Speaker. A brief
28 statement of the contents thereof may be made orally by the introducer before
29 reference to a committee, but such papers shall not be debated or decided on the day
30 of their first being read unless the House shall direct otherwise.

31 **RULE 34. Introduction of Resolutions and Bills, Copies Required.** -- (a)
32 Whenever any resolution or bill is introduced, a duplicate copy thereof shall be
33 attached thereto, and the Principal Clerk shall cause said duplicate copy to be
34 numbered as the original resolution or bill is numbered, and shall cause the same to
35 be available at all times to the member introducing the same.

36 (b) Numbering of House Bills shall be designated as "H.B._____" (No.
37 following). A Joint Resolution shall be designated as "H.J.R. _____" (No.
38 following). A House Resolution shall be designated as "H.R._____" (No.
39 following).

40 (c) Whenever any resolution or bill is filed for introduction, it shall be in
41 a House bill jacket containing 30 copies and in the form designated by the Speaker.
42 Any resolution or bill not accompanied by the required number of copies shall be
43 returned immediately to the introducer. The Clerk shall stamp the copies with the
44 number stamped upon the original bill.

1 **RULE 35. Duplicating and Availability of Copies of Bills.** -- (a) The
2 Legislative Services Officer shall cause such bills as are introduced to be duplicated
3 in such numbers as may be specified by the Speaker. The Legislative Services
4 Officer shall cause one copy of each resolution and public bill for each member to be
5 delivered to the member's committee assistant or legislative assistant who shall place
6 it in the appropriate notebook on the member's desk. If a member so requests, a
7 second copy shall be delivered to the member's committee assistant or legislative
8 assistant who shall place it in the member's office. The remaining copies shall be
9 placed in the Printed Bills Room and made available to the committees to which the
10 bill is referred, to individual members on request, and to the general public.

11 (b) A public bill is a bill affecting 15 or more counties. A local bill is
12 one affecting fewer than 15 counties. No public bill and, upon objection by a
13 member, no local bill may be considered unless copies of the bill have been made
14 available to the entire membership of the House.

15 **RULE 35.1. Assessment Reports.** -- (a) Every bill or resolution proposing
16 the establishment of an occupational or professional licensing board, as defined in
17 Article 18A of Chapter 120 of the General Statutes, or a study for the need to
18 establish such a board shall have attached to the jacket of the original bill or
19 resolution at the time of its consideration on second and third readings by the House
20 or by any standing committee or permanent subcommittee of the House, an
21 assessment report from the Legislative Committee on New Licensing Boards pursuant
22 to Article 18A of Chapter 120 of the General Statutes. The assessment report shall
23 not constitute any part of the expression of legislative intent proposed by the
24 formation of a licensing board. Upon receipt of the request, the Legislative
25 Committee on New Licensing Boards shall prepare and return the assessment report
26 as soon as possible but not later than 60 days, reserving the right to extend this time
27 to 90 days.

28 (b) Every legislative proposal introduced in the House of
29 Representatives, or received in the House of Representatives from the Senate,
30 proposing the incorporation of a municipality shall have attached to the jacket of the
31 original bill at the time of its consideration on second or third readings by the House
32 of Representatives or by any committee of the House of Representatives prior to a
33 favorable report, a recommendation from the Joint Legislative Commission on
34 Municipal Incorporations, established by Article 20 of Chapter 120 of the General
35 Statutes. The recommendation of the Joint Legislative Commission on Municipal
36 Incorporations shall be made in accordance with the provisions and criteria set forth
37 in Article 20 of Chapter 120 of the General Statutes and shall include the findings
38 required to be made by G.S. 120-166 through G.S. 120-170.

39 **RULE 36. Report by Standing Committee or Permanent Subcommittee.** --

40 (a) **When reports required.** -- All House bills and resolutions shall be reported from
41 the standing committee or permanent subcommittee to which referred with such
42 recommendations as the standing committee or permanent subcommittee may desire
43 to make except in the case where the principal introducer requests in writing to the

1 Chair of the standing committee or permanent subcommittee that the bill not be
2 considered.

3 With the written approval of the Chair of the standing committee and
4 with the recommendation of the subcommittee pursuant to Rule 32(b)(4) through (6),
5 the Chair of the permanent subcommittee may report the bill directly to the floor
6 with that recommendation. If a permanent subcommittee recommends reporting a
7 bill to the floor and the Chair of the standing committee fails to give approval, the
8 bill shall be deemed to have been reported to the standing committee with the same
9 recommendation as the subcommittee would have made to the House.

10 (b) **Favorable Report.** -- When a standing committee or permanent
11 subcommittee reports a bill with the recommendation that it be passed, the bill shall
12 be placed on the favorable calendar on the day designated by the Chair of the
13 Committee on Rules, Calendar, and Operations of the House, but no later than the
14 fourth legislative day after submission of the report, unless:

15 (1) The bill is re-referred to the Committee on Appropriations or
16 Committee on Finance under Rule 38 or was serially referred
17 under Rule 32; or

18 (2) The bill has not yet been placed on the calendar, and the Speaker
19 refers the bill to another committee.

20 In order to place a bill on the calendar for a legislative day, notice shall be given by
21 the Chair of the Committee on Rules, Calendar, and Operations of the House orally
22 in the House or in writing to the Principal Clerk. When a committee substitute is
23 adopted and receives a favorable report by the committee or permanent
24 subcommittee, the standing committee or permanent subcommittee Chair shall submit
25 to the standing committee or permanent subcommittee the question of an unfavorable
26 report on the original bill. The standing committee's or permanent subcommittee's
27 action, if any, on the original bill shall be reported at the same time the committee
28 substitute is reported.

29 (c) **Report Without Prejudice.** -- When a standing committee reports a
30 bill without prejudice, the bill shall be placed on the favorable calendar in the same
31 manner as provided in subsection (a) of this rule.

32 (d) **Postponed Indefinitely.** -- When a standing committee reports a bill
33 with the recommendation that it be postponed indefinitely and no minority report
34 accompanies it, the bill shall be placed on the unfavorable calendar.

35 (e) **Unfavorable Report.** -- When a standing committee reports a bill with
36 the recommendation that it not be passed and no minority report accompanies it, the
37 bill shall be placed on the unfavorable calendar.

38 (f) **Minority Report.** -- When a bill is reported by a standing committee
39 with a recommendation that it not be passed or that it be postponed indefinitely, but
40 it is accompanied by a minority report signed by at least one-fourth (1/4) of the
41 members of the standing committee who were present and voting when the bill was
42 considered in standing committee, the question before the House shall be: "The
43 adoption of the minority report." If the minority report is adopted by majority vote,
44 the bill shall be placed on the favorable calendar for consideration. If the minority

1 report fails of adoption by a majority vote, the bill shall be placed on the unfavorable
2 calendar.

3 **RULE 36.1. Fiscal Notes.** -- (a) The Chair or Cochair of the
4 Appropriations Committee, of the Finance Committee, or of the Rules, Calendar, and
5 Operations of the House Committee, upon the floor of the House, may request that a
6 fiscal analysis be made of a bill, resolution, or an amendment to a bill or resolution
7 which is in the possession of the House and that a fiscal note be attached to the
8 measure, when in the opinion of that Chair the fiscal effects of that measure are not
9 apparent from the language of the measure.

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

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

22 (d) A sponsor of a bill or amendment may deliver a copy of the bill or
23 amendment to the Fiscal Research Division for the preparation of a fiscal note. The
24 sponsor shall attach the fiscal note to the bill when filed or to the amendment when
25 its adoption is moved.

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

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

33 **RULE 36.2. Actuarial Notes.** -- (a) Every bill or resolution proposing
34 any change in the law relative to any:

35 (1) State, municipal, or other retirement system funded in whole or in
36 part out of public funds; or

37 (2) Program of hospital, medical, disability or related benefits provided
38 for teachers and State employees, funded in whole or in part by
39 State funds

40 shall have attached to it at the time of its consideration by any standing committee or
41 permanent subcommittee a brief explanatory statement or note which shall include a
42 reliable estimate of the financial and actuarial effect of the proposed change to that
43 retirement or pension system. The actuarial note shall be attached to the jacket of
44 each proposed bill or resolution which is reported favorably by any standing

1 committee or any permanent subcommittee, shall be separate therefrom, and shall be
2 clearly designated as an actuarial note. A bill described in subdivision (a)(1) of this
3 rule shall be referred to the Committee on Pensions and Retirement upon its
4 introduction.

5 (b) The sponsor of the bill or resolution shall present a copy of the
6 measure, with a request for an actuarial note, to the Fiscal Research Division which
7 shall prepare the actuarial note as promptly as possible but not later than two weeks
8 after the request is made unless an extension of time is agreed to by the sponsor as
9 being necessary in the preparation of the note. Actuarial notes shall be prepared in
10 the order of receipt of request and shall be transmitted to the sponsor of the measure.
11 The actuarial note of the Fiscal Research Division shall be prepared and signed by an
12 actuary.

13 (c) The sponsor of the bill or resolution shall also present a copy of the
14 measure to the actuary employed by the system or program affected by the measure.
15 Actuarial notes shall be prepared and transmitted to the sponsor of the measure not
16 later than two weeks after the request is received, unless an extension of time is
17 agreed to by the sponsor as being necessary in the preparation of the note. The
18 actuarial note shall be attached to the jacket of the measure. The provisions of this
19 subsection may be waived by the measure's sponsor for a measure affecting local
20 government retirement or pension plans not administered by the State or any local
21 government program of hospital, medical, disability, or related benefits for local
22 government employees not administered by the State.

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

31 (e) When any permanent subcommittee or standing committee reports a
32 measure to which an actuarial note is attached at the time of permanent
33 subcommittee or standing committee consideration, with any amendment of such
34 nature as would substantially affect the cost to or the revenues of any retirement or
35 pension system, or program of hospital, medical, disability, or related benefits for
36 teachers or State employees, the Chair of the permanent subcommittee or standing
37 committee reporting the measure shall obtain from the Fiscal Research Division an
38 actuarial note of the fiscal and actuarial effect of the proposed amendment. The
39 actuarial note shall be attached to the jacket of the measure. An amendment to any
40 bill or resolution shall not be in order if the amendment affects the costs to or the
41 revenues of a State-administered retirement or pension system, or program of
42 hospital, medical, disability, or related benefits for teachers or State employees, unless
43 the amendment is accompanied by an actuarial note, prepared by the Fiscal Research
44 Division, as to the actuarial effect of the amendment.

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

3 **RULE 36.4. Local Legislation Affecting State Highway System.** -- A local
4 bill affecting the State Highway System shall be referred to the Committee on
5 Transportation.

6 **RULE 37. Removing Bill From Unfavorable Calendar.** -- A bill may be
7 removed from the unfavorable calendar upon motion carried by a two-thirds (2/3)
8 vote. A motion to remove a bill from the unfavorable calendar is debatable.

9 **RULE 38. Reports on Appropriation and Revenue Bills.** -- (a) All
10 standing committees, other than the Standing Committee on Appropriations, when
11 favorably reporting any bill or resolution which:

12 (1) Carries an appropriation from the State; or

13 (2) Requires or will require in the future substantial additional State
14 monies from the General Fund or Highway Fund to implement its
15 provisions, shall indicate same in the report, and said bill or
16 resolution shall be referred to the Standing Committee on
17 Appropriations for a further report before being acted upon by the
18 House.

19 (b) All standing committees, other than the Standing Committee on
20 Finance, when favorably reporting any bill which in any way or manner raises
21 revenue, reduces revenue, levies a tax, authorizes the levying of a tax, an assessment,
22 or a fee, or authorizes the issue of bonds or notes, whether public, public-local, or
23 private, shall indicate same in the report, and said bill shall be referred to the
24 Standing Committee on Finance for a further report before being acted upon by the
25 House.

26 (c) **Action on Amendment Before Re-Referral.** If any standing committee
27 recommends adoption of an amendment or committee substitute of a bill which,
28 under the rules of the House must be referred to the Standing Committees on
29 Appropriations or the Standing Committee on Finance, the amendment or committee
30 substitute shall be considered and, if adopted, the amendment or substitute engrossed
31 before the bill is re-referred.

32 **RULE 39. Recall of Bill From Standing Committee.** -- (a) When a House
33 bill has been introduced and referred to a standing committee, or when a Senate bill
34 has been referred to a standing committee, if after 10 legislative days the standing
35 committee has failed to act thereon, then the introducer of the House bill or some
36 member designated by him, or some House member designated by the introducer of
37 the Senate bill, may, after three legislative days' public notice given in the House and
38 delivered in writing to the Chair of the standing committee, on motion supported by
39 a vote of three-fifths (3/5) of the members of the House, recall the same from the
40 standing committee to the floor of the House for consideration and such action
41 thereon as a majority of the members present may direct.

42 (b) This rule shall not be temporarily suspended without one day's notice
43 on the motion given in the House and delivered in writing to the Chair of the

1 standing committee, and to sustain that motion two-thirds (2/3) of the members of the
2 House shall be required.

3 **RULE 39.1. Recall of Bill From Permanent Subcommittee.** -- When a
4 House bill has been referred to a permanent subcommittee, if after 10 legislative days
5 the subcommittee has failed to act thereon, or at any time, with the agreement of the
6 subcommittee Chair, the standing committee Chair may re-refer the bill from that
7 permanent subcommittee to another permanent subcommittee of the same standing
8 committee provided the report of the re-referral shall be made pursuant to Rule 32.

9 **RULE 39.2. Re-Referral of Bills From One Standing Committee to**
10 **Another Standing Committee.** -- Upon consent of the sponsor of the bill, the Speaker,
11 the Chair of the standing committee from whom the bill is to be re-referred, and the
12 Chair of the standing committee to whom the bill is to be re-referred, the Chair of
13 the standing committee from whom the bill is to be re-referred or the Chair of the
14 Committee on Rules, Calendar, and Operations of the House may move for a re-
15 referral to another standing committee and the bill shall be re-referred upon vote of
16 the majority present during a regular session of the House.

17 **RULE 40. Calendars and Schedules of Business.** -- The Clerk of the
18 House shall prepare a daily schedule of business, including the Calendar of Bills and
19 Resolutions for consideration and debate that day, in accordance with the Order of
20 Business of the Day (Rule 5). The Clerk shall number all bills and resolutions in the
21 order in which they are introduced. All bills and resolutions shall be taken up as
22 they appear in each category (Rule 5(10)) in the order they were placed on the
23 Calendar under Rule 36(b).

24 **RULE 41. Reading of Bills.** -- (a) Every bill shall receive three readings
25 in the House prior to its passage. The first reading and reference to standing
26 committee of a House bill shall occur on the next legislative day following its
27 introduction. The first reading and reference to standing committee of a Senate bill
28 shall occur on the next legislative day following its receipt on messages from the
29 Senate. The Speaker shall give notice at each subsequent reading whether it is the
30 second or third reading.

31 (b) No bill shall be read more than once on the same day without the
32 concurrence of two-thirds (2/3) of the members present and voting; provided, no bill
33 governed by Article II, Section 23 of the North Carolina Constitution or described in
34 Rule 20(a)(2) herein shall be read twice on one day under any circumstance.

35 **RULE 42. Effect of a Defeated Bill.** -- (a) Subject to the provisions of
36 subsection (b) of this rule, after a bill has:

- 37 (1) Been tabled,
38 (2) Been postponed indefinitely,
39 (3) Failed to pass on any of its readings, or
40 (4) Been placed on the unfavorable calendar,

41 the contents of that bill or the principal provisions of its subject matter shall not be
42 considered in any other measure originating in the Senate or originating thereafter in
43 the House. Upon the point of order being raised and sustained by the Chair, that

1 measure shall be laid upon the table, and shall not be taken therefrom except by a
2 two-thirds (2/3) vote of the members present and voting.

3 (b) No local bill shall be held by the Chair to embody the contents of or
4 the principal provisions of the subject matter of any statewide measure which has
5 been laid on the table, has failed to pass on any of its readings, or has been placed on
6 the unfavorable calendar.

7 **RULE 43. Amendments.** -- No amendment to a measure before the
8 House shall be in order unless the amendment is germane to the measure under
9 consideration. A House amendment deleting a previously adopted House
10 amendment shall not be in order, except that this sentence does not apply to
11 amendments adopted under Rule 38(c).

12 If the Senate adopts an amendment or committee substitute to a House
13 bill, the House may refuse to receive the bill on account of lack of germaneness if the
14 Senate has a similar rule.

15 Only one principal (first degree) amendment shall be pending at any one
16 time. If a subsequent or substitute principal amendment shall be offered, the Speaker
17 shall rule it out of order. However, any member desiring to offer a subsequent or
18 substitute principal amendment in opposition to the pending amendment may inform
19 the House by way of argument against the pending amendment that if it is defeated
20 the member proposes to offer another principal amendment, and the member may
21 then read and explain such proposed amendment.

22 Perfecting (or second degree) amendments may be offered and
23 considered without limitation as to number, and in the event of multiple perfecting
24 amendments, they shall be voted upon in inverse order.

25 **RULE 43.1. Engrossment.** -- Bills and resolutions, except those making
26 appropriations, which originate in the House and which are amended, shall be
27 engrossed before being sent to the Senate.

28 **RULE 43.2. House Concurrence in Senate Amendments to House Bills.** --
29 The House shall not concur in a Senate amendment to a bill originating in the House
30 until the next legislative day after the day on which the House receives the Senate
31 amendment.

32 **RULE 43.3. Committee Substitutes Adopted by the Senate to Bills**
33 **Originating in the House; Procedure for Treatment of Material Amendments Thereto.**
34 -- (a) Whenever the Senate has adopted a committee substitute for a bill originating
35 in the House, and has returned the bill to the House for concurrence in that
36 committee substitute, the House may not concur in that committee substitute until the
37 next legislative day following the day on which the House receives that committee
38 substitute.

39 (b) The Speaker may, and upon motion supported by a majority of the
40 House present and voting shall, refer the bill to an appropriate standing committee
41 for consideration of the committee substitute.

42 (c) The Speaker shall, in placing the bill on the calendar, rule whether
43 the committee substitute is a material amendment under Article II, Section 23 of the
44 State's Constitution which reads:

1 "Revenue bills. -- No law shall be enacted to raise money on the credit of the State,
2 or to pledge the faith of the State directly or indirectly for the payment of any debt,
3 or to impose any tax upon the people of the State, or to allow the counties, cities, or
4 towns to do so, unless the bill for the purpose shall have been read three several
5 times in each House of the General Assembly and passed three several readings,
6 which readings shall have been on three different days, and shall have been agreed to
7 by each House respectively, and unless the yeas and nays on the second and third
8 readings of the bill shall have been entered on the journal."

9 If the committee substitute was referred to standing committee, the
10 standing committee shall:

11 (1) Report the bill with the recommendation either that the House do
12 concur or that the House do not concur; and

13 (2) Advise the Speaker as to whether or not that committee substitute
14 is a material amendment under Article II, Section 23 of the State's
15 Constitution.

16 (d) If the committee substitute for a bill is not a material amendment, the
17 question before the House shall be concurrence.

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

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

24 **RULE 44. Conference Standing Committees.** -- (a) Whenever the House
25 shall decline or refuse to concur in amendments put by the Senate to a bill
26 originating in the House, or shall refuse to concur in a substitute adopted by the
27 Senate for a bill originating in the House or whenever the Senate shall decline or
28 refuse to concur in amendments put by the House to a bill originating in the Senate,
29 or shall refuse to concur in a substitute adopted by the House for a bill originating in
30 the Senate, a conference committee may be appointed by the Speaker upon the
31 Speaker's own motion and shall be appointed upon request by the principal sponsor
32 of the original bill, the Chair of the House standing committee which reported the
33 bill, or by the sponsor of the amendment in which the Senate refused to concur; and
34 the bill under consideration shall thereupon go to and be considered by the joint
35 conferees on the part of the House and Senate. In appointing members to conference
36 committees, the Speaker shall appoint no less than a majority of members who
37 generally supported the House position as determined by the Speaker.

38 (b) Only such matters as are in difference between the two houses shall
39 be considered by the conferees, and the conference report shall deal only with such
40 matters. The conference report may be made by a majority of the House members of
41 such conference committee and shall not be amended.

42 (c) If the conferees fail to agree or if either house fails to adopt the
43 report of its conferees, new conferees may be appointed.

1 (d) No vote shall be taken on adoption of a conference report until the
2 next legislative day following the report.

3 **RULE 44.1. Transmittal of Bills to Senate.** -- Unless ordered by the
4 Speaker or two-thirds (2/3) vote of the members present and voting, no bill shall be
5 sent from the House on the day of its passage, except on the last day of the session.

6 **VII. Legislative Officers and Employees**

7 **RULE 45. Elected Officers.** -- (a) The House shall elect one of its
8 members Speaker.

9 (b) The House shall elect one of its members Speaker Pro Tempore who
10 shall perform such duties as the Speaker may assign and shall preside over the House
11 in the absence or incapacity of the Speaker and shall perform all of the duties of the
12 Speaker until such time the Speaker may assume the Chair.

13 (c) The House shall elect a Principal Clerk, who shall continue in office
14 until another is elected. The Speaker shall appoint a Reading Clerk and a Sergeant-
15 at-Arms, who shall serve at the Speaker's pleasure. The Principal Clerk, Reading
16 Clerk, and Sergeant-at-Arms shall have and perform duties and responsibilities, not
17 inconsistent with these rules, as the Speaker may assign. Unless directed otherwise by
18 the Speaker on behalf of the House, the Principal Clerk or an employee designated
19 by the Principal Clerk shall receive House bills not approved by the Governor. In
20 addition, the Sergeant-at-Arms may assign the Reading Clerk additional duties, to be
21 performed while the House is not in its daily session.

22 **RULE 46. Assistants to Principal Clerk and Sergeant-at-Arms.** -- The
23 Principal Clerk and the Sergeant-at-Arms may appoint, with the approval of the
24 Speaker, such assistants as may be necessary to the efficient discharge of the duties of
25 their respective offices.

26 **RULE 47. Speaker's Staff, Chaplain, and Pages.** -- (a) The Speaker may
27 appoint one or more staff members to the Speaker, a Chaplain of the House, and
28 pages to wait upon the sessions of the House.

29 (b) When the House is not in session, the pages shall be under the
30 supervision of the Supervisor of Pages.

31 (c) The Speaker at the request of a member may appoint honorary
32 pages.

33 **RULE 48. Member's Staff.** -- (a) Each standing committee and
34 permanent subcommittee shall have a committee assistant. The committee assistant to
35 a standing committee or permanent subcommittee shall serve as staff to the Chair of
36 the standing committee or permanent subcommittee.

37 (b) Each member shall be assigned a legislative assistant, unless the
38 member has a committee assistant to serve as legislative assistant.

39 (c) The selection and retention of committee assistants, legislative
40 assistants, and office assistants shall be the sole prerogative of the individual member
41 or members. Such staff shall file initial applications for employment with the
42 Principal Clerk and shall receive compensation as prescribed by the Legislative
43 Services Commission. The employment period of such staff shall commence not
44 earlier than the convening date of the General Assembly and shall terminate not later

1 than the final adjournment or recess of the General Assembly unless employment for
2 an extended period is approved by the Speaker. The committee assistants, legislative
3 assistants, and office assistants shall adhere to such uniform rules and regulations not
4 inconsistent with these rules regarding hours and other conditions of employment as
5 the Legislative Services Commission shall fix by appropriate regulations.

6 **RULE 49. Compensation of Legislative Assistants.** -- No clerk, committee
7 assistant, legislative assistant, office assistant, or other person employed or appointed
8 under Rules 46, 47, and 48 hereof shall receive during such employment,
9 appointment, or service, any compensation from any department of the State
10 government, and there shall not be voted, paid, or awarded any additional pay,
11 bonus, or gratuity to any of them; but they shall receive only the pay now provided
12 by law for such duties and services.

13 VIII. Privileges of the Hall

14 **RULE 50. Admittance to Floor.** -- No person except members, officers,
15 and employees of the General Assembly who have been issued identification tags as
16 provided by this rule, and former members of the General Assembly who are not
17 registered under the provisions of Article 9 of Chapter 120 of the General Statutes of
18 North Carolina shall be allowed on the floor of the House during its session, unless
19 permitted by the Speaker or otherwise provided by law. Employees of the General
20 Assembly shall wear identification tags, approved by the Legislative Services Officer,
21 when on the floor of the House.

22 **RULE 51. Admittance of Press.** -- Reporters wishing to take down
23 debates may be admitted by the Speaker, who shall assign such places to them on the
24 floor or elsewhere, to effect this object, as shall not interfere with the convenience of
25 the House. Reporters admitted to the floor of the House shall observe the same
26 requirements of attire for members contained in Rule 12(h).

27 **RULE 52. Extending Courtesies.** -- Courtesies of the floor, galleries, or
28 lobby shall be extended at the discretion of the Speaker and only by the Speaker.
29 Requests by members to extend these courtesies shall be typewritten and delivered to
30 the Speaker. No member shall orally ask the Speaker to extend these courtesies
31 during the daily session.

32 **RULE 53. Order in Galleries and Lobby.** -- In case of any disturbance or
33 disorderly conduct in the galleries or lobby, the Speaker or other presiding officer is
34 empowered to order the same to be cleared.

35 IX. General Rules

36 **RULE 54. Attendance of Members.** -- No member or officer of the House
37 shall absent himself from the service of the House without leave, unless from sickness
38 or disability.

39 **RULE 55. Documents to Be Signed by the Speaker.** -- All acts, addresses,
40 and resolutions and all warrants and subpoenas issued by order of the House shall be
41 signed by the Speaker or other presiding officer.

42 **RULE 56. Printing or Reproducing Materials.** -- There shall be no
43 printing or reproducing of paper(s) that are not legislative in essence except upon
44 approval of the Speaker.

1 **RULE 57. Placement or Circulation of Materials.** -- Persons other than
2 members of the House shall not place or cause to be placed any materials on
3 members' desks in the House Chamber without obtaining approval of the Speaker.
4 Any material placed on members' desks in the House Chamber, or circulated to
5 House members anywhere in the Legislative Building or the Legislative Office
6 Building, shall bear the name of the originator.

7 **RULE 58. Rules, Rescission, and Alteration.** -- (a) These rules shall not
8 be permanently rescinded or altered except by House simple resolution passed by a
9 two-thirds (2/3) vote of the members present and voting. The introducer of the
10 resolution must on the floor of the House give notice of intent to introduce the
11 resolution on the legislative day preceding its introduction.

12 (b) Except as otherwise provided herein, the House upon two-thirds (2/3)
13 vote of the members present and voting may temporarily suspend any rule.

14 **RULE 59. Cosponsorship of Bills and Resolutions.** -- (a) Any member
15 wishing to cosponsor a bill or resolution which has been introduced may do so by
16 appearing in the office of the Principal Clerk for such purpose within one-half hour
17 following the adjournment of the session during which such bill or resolution was
18 first read and referred.

19 (b) Members wishing to jointly sponsor legislation should indicate such
20 to the drafter at the time the bill is requested or upon filing the bill with the Principal
21 Clerk's office. The names of the members who are the primary sponsors shall be
22 listed in the order requested by them, followed by the words (Primary Sponsors); and
23 the remaining names of members cosponsoring shall follow. No more than four
24 members may be listed as primary sponsors.

25 (c) No member shall permit anyone, other than that member's committee
26 assistant, legislative assistant, office assistant, or another member, to have possession
27 of and solicit for bill or resolution cosponsorship, the jacket of a bill or resolution.

28 **RULE 60. Correcting of Typographical Errors.** -- The Legislative Services
29 Officer may correct typographical errors appearing in House bills or resolutions
30 provided that such corrections are made before ratification and do not conflict with
31 any actions or rules of the Senate and provided further that such correction be
32 approved by the Chair of the Standing Committee on Rules, Calendar, and
33 Operations of the House, the Speaker, or other presiding officer.

34 **RULE 61. Assignment of Seats.** -- After initial assignment of seats, a
35 member shall continue to occupy the seat to which initially assigned until assigned a
36 permanent seat; once assigned a permanent seat, the member shall occupy it for the
37 entire biennial session. In event of vacancy, that member's successor will occupy the
38 seat of the member replaced for the remainder of the biennial session.

39 **RULE 61.1. Office Assignments.** -- The Chair of the Standing Committee
40 on Rules, Calendar, and Operations of the House shall assign to each member an
41 office space. When available, Chairs of standing committees and permanent
42 subcommittees shall be assigned an office adjacent to the room in which the standing
43 committee or permanent subcommittee generally meets if the Chair so desires. The
44 Speaker shall be assigned an office of his or her choice.

1 **RULE 61.2. Convening and Assigning Seats in the New House.** -- (a) The
2 Principal Clerk of the previous House of Representatives shall convene the House of
3 Representatives at 12:00 noon on the date established by law for the convening of
4 each regular session, and preside over the body until the members elect a Speaker.
5 In the case of a vacancy, inability, or refusal to so serve, the duty shall devolve upon
6 the sergeant-at-arms of the prior House, and in the case of a vacancy in that office, or
7 inability or refusal to so serve, the duty shall devolve upon the reading clerk of the
8 prior House.

9 (b) It shall be the duty of the Chair of the Standing Committee on Rules,
10 Calendar, and Operations of the House of the prior House to assign seats to the
11 members of the House of Representatives in its Chamber. In the case of the inability
12 or refusal to serve of the Chair of the Standing Committee on Rules, Calendar, and
13 Operations of the House, the Speaker of the prior House of Representatives shall
14 appoint a person to assign seats to members of the House of Representatives in its
15 Chamber. In the event that the party that had a majority of members in the prior
16 House will no longer have a majority of members of the new House, then the duty
17 assigned in this subsection to the Chair of the committee of the prior House shall
18 instead be the duty of the person nominated as Speaker by the majority party caucus
19 for the new House, or some member-elect designated by the Speaker-nominee. In
20 the event no party will have a majority, then the duty assigned in this subsection to
21 the Chair of the committee of the prior House shall instead be the joint duty of one
22 person chosen each by the caucuses of the two parties having the greatest numbers of
23 members.

24 **RULE 62. Matters Not Covered in These Rules.** -- Except as herein set
25 out the rules of Mason's Manual of Legislative Procedure shall govern the operation
26 of the House.

27 Section 2. This resolution is effective upon adoption.

**1999 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES**

The following report(s) from standing committee(s) is/are presented:

By Representative(s) **CULPEPPER** for the Committee on **RULES, CALENDAR, AND OPERATIONS OF THE HOUSE.**

Committee Substitute for
H.R. 51, A HOUSE RESOLUTION ADOPTING THE PERMANENT RULES OF THE
REGULAR SESSIONS OF THE NORTH CAROLINA HOUSE OF REPRESENTATIVES
OF THE 1999 GENERAL ASSEMBLY.

- With a favorable report.
- With a favorable report and recommendation that the bill be re-referred to the Committee on
 Appropriations Finance
- With a favorable report, as amended.
- With a favorable report, as amended, and recommendation that the bill be re-referred to the
Committee on Appropriations Finance
- With a favorable report as to committee substitute bill (#), which changes the title,
unfavorable as to original bill (Committee Substitute Bill #), (and recommendation
that the committee substitute bill #) be re-referred to the Committee on .)
- With a favorable report as to House committee substitute bill (#), which changes
the title, unfavorable as to Senate committee substitute bill.
- And having received a unanimous vote in committee, is placed on the Consent Calendar.
(PUBLIC BILLS ONLY)
- With an unfavorable report.
- With recommendation that the House concur.
- With recommendation that the House do not concur.
- With recommendation that the House do not concur; request conferees.
- With recommendation that the House concur; committee believes bill to be material.
- With an unfavorable report, with a Minority Report attached.
- Without prejudice.
- With an indefinite postponement report.
- With an indefinite postponement report, with a Minority Report attached.
- With recommendation that committee substitute resolution be adopted, unfavorable as to
original resolution. (HOUSE RESOLUTION ONLY)

VISITOR REGISTRATION SHEET

RULES, CALENDAR AND OPERATIONS OF THE HOUSE
Name of Committee

2/9/99
Date

VISITORS: PLEASE SIGN BELOW AND RETURN TO COMMITTEE CLERK.

NAME	FIRM OR AGENCY AND ADDRESS
Brenda Dougherty	Sprint
John Bowditch	Zeb Alley P.A
Vicky Young	QSA
HUGH TISON	NCHA
Michelle Cook	Weyerhaeuser
Ken Kinion	American General
Tom MORROW	Sprint
Shanise Forson	DSS
Leslie Cline	Bill Drafting - intern
Lori Ann James	Sanford Holshouser
Laura DeVivo	DENR
Anne Ethridge	Office of the Governor
Cheray Anne Owens	Governor's Page
Ashley Westbrook	Office of the Governor
Kristen Mitchell	MyKING
Don Brown	the Capital City
Angela Williams	NCCS

VISITOR REGISTRATION SHEET

RULES, CALENDAR AND OPERATIONS OF THE HOUSE
Name of Committee

2/9/99

Date

VISITORS: PLEASE SIGN BELOW AND RETURN TO COMMITTEE CLERK.

NAME

FIRM OR AGENCY AND ADDRESS

W. M. Dowell	NCAICU
A. B. Swindell	RFI
Joyce Peters	SP Assoc
Andrew S. Chas	NCPA
Stephen W. Keene	NCMS
Bill Scobbin	NEBA
Amir G. Bain	NCMS
Heslie Bewagon	NCCBT
Fang Kaplan	
Lynn Horns	BarSovis
Alicia Mullen Gregory	Dwyer & Spruill
Etherine King Davis	Electricities of NC
Lu-Ann Coe	Farmers for fairness Inc.
Cam Cover	3 PM HL
Lon Wilson	NCAHCE 7

VISITOR REGISTRATION SHEET

RULES, CALENDAR AND OPERATIONS OF THE HOUSE

2/9/99

Name of Committee

Date

VISITORS: PLEASE SIGN BELOW AND RETURN TO COMMITTEE CLERK.

NAME

FIRM OR AGENCY AND ADDRESS

Chris Heagy

NC Electric Co-ops

John Patino

AT&T

Wade Rawlins

The News, observer

Denise Walker

House Municipal Clerk

AGENDA

**HOUSE COMMITTEE ON RULES, CALENDAR AND
OPERATIONS OF THE HOUSE**

**February 10, 1999
Room 1228 LB
1:20 pm**

OPENING REMARKS

Representative Culpepper, Chairman

CONSIDERATION OF BILLS

ACTION TAKEN ON BILLS

ADJOURNMENT

MINUTES OF THE COMMITTEE ON RULES, CALENDAR AND OPERATIONS OF
THE HOUSE

February 10, 1999

A meeting of the Committee on Rules, Calendar and Operations of the House was held on February 10, 1999 at 1:20 p.m. in Room 1228 of the Legislative Building. Members present were Representatives Culpepper, Chairman; Joe Hackney, Vice Chairman; Alexander, Allen, Boyd-McIntyre, Crawford, Cunningham, Fitch, Gibson, Gulley, Hill, Jarrell, Luebke, McCombs, Michaux, Nye, Ramsey, Tolson and Yongue.

The chairman recognized the pages in attendance and the members of the Sergeant at Arms staff assisting the committee.

Chairman Culpepper recognized Representative Hackney to speak on Senate Joint Resolution 53 entitled A JOINT RESOLUTION HONORING THE MEMORY OF PLATT D. WALKER, THE FIRST PRESIDENT OF THE NORTH CAROLINA BAR ASSOCIATION, ON THE ONE HUNDREDTH ANNIVERSARY OF THE NORTH CAROLINA BAR ASSOCIATION. Following Representative Hackney's explanation, Representative Gibson moved for a favorable report of the resolution. The motion carried.

The meeting adjourned at 1:30 p.m.

Respectfully submitted,


Representative Bill Culpepper, Chairman


Dorothy C. Crocker, Committee Assistant

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1999

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SENATE JOINT RESOLUTION 53
Rules and Operations of the Senate Committee Substitute Senate Joint Resolution
For Senate Resolution Adopted 2/8/99

Sponsors:

Referred to:

February 8, 1999

1 A JOINT RESOLUTION HONORING THE MEMORY OF PLATT D. WALKER,
2 THE FIRST PRESIDENT OF THE NORTH CAROLINA BAR ASSOCIATION,
3 ON THE ONE HUNDREDTH ANNIVERSARY OF THE NORTH CAROLINA
4 BAR ASSOCIATION.

5 Whereas, the North Carolina Bar Association was founded on February
6 10, 1899, by a group of 62 lawyers, who convened in Raleigh at the North Carolina
7 Supreme Court; and

8 Whereas, Platt D. Walker was elected the first President on February 10,
9 1899 at the first organizational meeting of the Association; and

10 Whereas, the Association was organized to promote the administration of
11 justice throughout the State, advance the science of jurisprudence, maintain the
12 standard of honor in the profession, and establish cordial intercourse among the
13 members; and

14 Whereas, the 1899 General Assembly enacted a statute on March 6, 1899,
15 incorporating and bestowing upon the Association legal status as a recognized
16 professional association within the State; and

17 Whereas, the Association held its first annual meeting July 5-7, 1899, in
18 Morehead City, with 114 lawyers in attendance; and

19 Whereas, since its formation, the Association has used its resources to
20 support lawyers and local Bar organizations throughout North Carolina; and

21 Whereas, the Association has enhanced the quality of life for all citizens
22 of the State and advanced the public confidence in the legal profession; and

23 Whereas, many lawyers serving our State in the General Assembly and its
24 leadership have been members of the Association; and

1 Whereas, during its 100 years of service, the Association has been
2 instrumental in providing leadership and encouraging the highest standards of
3 integrity, competence, civility, and well-being of all members of the legal profession;
4 and

5 Whereas, the goals of the Association during the celebration of its
6 centennial are:

- 7 (1) To inspire lawyers to the highest ideals of professionalism and
8 service.
- 9 (2) To foster and protect the fundamental role of lawyers to sustain
10 the rule of law in our free society.
- 11 (3) To challenge all citizens to strengthen our system of justice for the
12 21st century.
- 13 (4) To assist the General Assembly in its important duty of enacting
14 sound legislation for the betterment of all North Carolinians
15 through drafting, and research and as a resource; and

16 Whereas, it is only fitting that the Association be commended for its 100
17 years of continuous service; Now, therefore,

18 Be it resolved by the Senate, the House of Representatives concurring:

19 Section 1. The General Assembly honors the life and memory of Platt D.
20 Walker and expresses appreciation for the contributions he made to the North
21 Carolina Bar Association. The General Assembly recognizes the historic
22 accomplishments of the North Carolina Bar Association and congratulates the
23 organization on 100 years of dedicated commitment to serve the public and the legal
24 profession by promoting the administration of justice and encouraging the highest
25 standards of integrity, competence, civility, and well-being of all members of the
26 profession. The General Assembly further wishes to thank the volunteers and staff
27 who have contributed to the growth and development of this distinguished
28 Association.

29 Section 2. The Secretary of State shall transmit a certified copy of this
30 resolution to the President of the North Carolina Bar Association.

31 Section 3. This resolution is effective upon ratification.

**1998 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES**

The following report(s) from standing committee(s) is/are presented:

By Representative(s) **CULPEPPER** for the Committee on **RULES, CALENDAR, AND OPERATIONS OF THE HOUSE.**

Committee Substitute for

SJR. 53 A SENATE RESOLUTION HONORING THE ONE HUNDREDTH ANNIVERSARY OF THE NORTH CAROLINA BAR ASSOCIATION.

With a favorable report.

With a favorable report and recommendation that the bill be re-referred to the Committee on
 Appropriations Finance

With a favorable report, as amended.

With a favorable report, as amended, and recommendation that the bill be re-referred to the Committee on Appropriations Finance

With a favorable report as to committee substitute bill (#), which changes the title, unfavorable as to original bill (Committee Substitute Bill #), (and recommendation that the committee substitute bill #) be re-referred to the Committee on .)

With a favorable report as to House committee substitute bill (#), which changes the title, unfavorable as to Senate committee substitute bill.

And having received a unanimous vote in committee, is placed on the Consent Calendar.
(PUBLIC BILLS ONLY)

With an unfavorable report.

With recommendation that the House concur.

With recommendation that the House do not concur.

With recommendation that the House do not concur; request conferees.

With recommendation that the House concur; committee believes bill to be material.

With an unfavorable report, with a Minority Report attached.

Without prejudice.

With an indefinite postponement report.

With an indefinite postponement report, with a Minority Report attached.

With recommendation that it be adopted. (HOUSE RESOLUTION ONLY)

4/24/97

AGENDA

**HOUSE COMMITTEE ON RULES, CALENDAR AND
OPERATIONS OF THE HOUSE**

**February 24, 1999
Room 421 LOB
2:00 PM**

OPENING REMARKS

Representative Culpepper, Chairman

CONSIDERATION OF BILLS

ACTION TAKEN ON BILLS

ADJOURNMENT

MINUTES OF THE COMMITTEE ON RULES, CALENDAR AND OPERATIONS OF
THE HOUSE

February 24, 1999

The Rules, Calendar and Operations of the House Committee met on February 24, 1999 at 2:00 p.m. in Room 421 of the Legislative Office Building. The members present were Representatives Bill Culpepper, Chairman; Joe Hackney, Vice Chairman; Alexander, Gibson, Gulley, Hill, Jarrell, Luebke, McCombs, McMahan, Nye, Ramsey, Tolson, and Yongue.

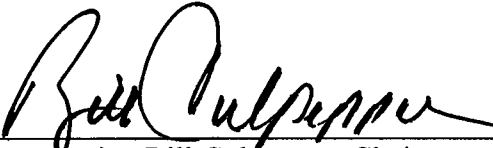
The chairman recognized the pages in attendance and the members of the Sergeant at Arms staff assisting the committee.

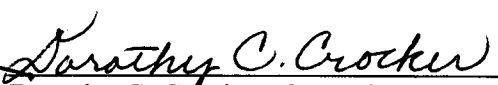
Chairman Culpepper recognized Representative Wayne Goodwin, sponsor of House Resolution 115 entitled A HOUSE RESOLUTION HONORING THE LIFE AND MEMORY OF NOAH GIBSON FOR WHOM THE TOWN OF GIBSON IS NAMED, ON THE TOWN'S ONE HUNDREDTH ANNIVERSARY. Following Representative Goodwin's explanation of the resolution, Representative Ramsey moved for its adoption, which motion carried.

The chairman then recognized Representative Douglas Yongue, sponsor of House Resolution 9 entitled A HOUSE RESOLUTION HONORING THE ONE HUNDREDTH ANNIVERSARY OF THE FOUNDING OF SCOTLAND COUNTY. Following Representative Yongue's explanation of the resolution, Representative Tolson moved for its adoption, and the motion carried.

There being no further business, the meeting adjourned at 2:10 p.m.

Respectfully submitted,


Representative Bill Culpepper, Chairman


Dorothy C. Crocker, Committee Assistant

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 1999

H

1

HOUSE RESOLUTION 115

Sponsors: Representative Goodwin.

Referred to: Rules, Calendar and Operations of the House.

February 22, 1999

1 A HOUSE RESOLUTION HONORING THE LIFE AND MEMORY OF NOAH
2 GIBSON FOR WHOM THE TOWN OF GIBSON IS NAMED, ON THE
3 TOWN'S ONE HUNDREDTH ANNIVERSARY.

4 Whereas, on February 28, 1999, and formally on April 16-18, 1999, the
5 Town of Gibson in Scotland County will be celebrating 100 years of incorporation;
6 and

7 Whereas, the Town of Gibson was named for Noah Gibson, a successful
8 merchant and the first postmaster of the Town; and

9 Whereas, many of Noah Gibson's descendants continue to live in the
10 Town of Gibson, the County of Scotland, and surrounding areas; and

11 Whereas, Gibson's 100th anniversary and Noah Gibson's contributions to
12 the development of the Town are worthy of celebration and should be enjoyed and
13 supported by all North Carolina citizens; Now, therefore,

14 Be it resolved by the House of Representatives:

15 Section 1. The House of Representatives honors the life and memory of
16 Noah Gibson and urges the citizens of this State to participate in the activities
17 commemorating the 100th anniversary of the Town of Gibson.

18 Section 2. The Principal Clerk shall transmit a certified copy of this
19 resolution to the Mayor and the Town Manager of the Town of Gibson.

20 Section 3. This resolution is effective upon adoption.

1999 COMMITTEE REPORT HOUSE OF REPRESENTATIVES

The following report(s) from standing committee(s) is/are presented:

By Representative(s) **CULPEPPER** for the Committee on **RULES, CALENDAR, AND OPERATIONS OF THE HOUSE**

H.R. 115 A HOUSE RESOLUTION HONORING THE LIFE AND MEMORY OF NOAH GIBSON FOR WHOM THE TOWN OF GIBSON IS NAMED, ON THE TOWN'S ONE HUNDREDTH ANNIVERSARY

- With a favorable report.
- With a favorable report and recommendation that the bill be re-referred to the Committee on Appropriations Finance
- With a favorable report, as amended.
- With a favorable report, as amended, and recommendation that the bill be re-referred to the Committee on Appropriations Finance
- With a favorable report as to committee substitute bill (#), which changes the title, unfavorable as to original bill (Committee Substitute Bill #), (and recommendation that the committee substitute bill #) be re-referred to the Committee on .)
- With a favorable report as to House committee substitute bill (#), which changes the title, unfavorable as to Senate committee substitute bill.
- And having received a unanimous vote in committee, is placed on the Consent Calendar. (PUBLIC BILLS ONLY)
- With an unfavorable report.
- With recommendation that the House concur.
- With recommendation that the House do not concur.
- With recommendation that the House do not concur; request conferees.
- With recommendation that the House concur; committee believes bill to be material.
- With an unfavorable report, with a Minority Report attached.
- Without prejudice.
- With an indefinite postponement report.
- With an indefinite postponement report, with a Minority Report attached.
- With recommendation that it be adopted. (HOUSE RESOLUTION ONLY)

4/24/97

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 1999

H

1

HOUSE RESOLUTION 9*

Sponsors: Representatives Yongue; Bonner and Goodwin.

Referred to: Rules, Calendar and Operations of the House.

February 1, 1999

1 A HOUSE RESOLUTION HONORING THE ONE HUNDREDTH
2 ANNIVERSARY OF THE FOUNDING OF SCOTLAND COUNTY.

3 Whereas, on February 20, 1899, Scotland County was formed from
4 Richmond County; and

5 Whereas, Scotland County was named for the country of Scotland from
6 which many of the early settlers of the area came; and

7 Whereas, Scotland County is known for its contributions to education,
8 agriculture, and industry; and

9 Whereas, the citizens of Scotland County have been actively preparing
10 for the county's centennial celebration; Now, therefore,

11 Be it resolved by the House:

12 Section 1. The North Carolina Senate honors the founders of Scotland
13 County and joins the county's citizens in celebrating the county's one hundredth
14 anniversary.

15 Section 2. The Principal Clerk shall transmit a certified copy of this
16 resolution to the Chair of the Scotland County Board of County Commissioners.

17 Section 3. This resolution is effective upon adoption.

**1999 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES**

The following report(s) from standing committee(s) is/are presented:

By Representative(s) CULPEPPER for the Committee on **RULES, CALENDAR, AND
OPERATIONS OF THE HOUSE.**

- Committee Substitute for
H.R. 9 A HOUSE RESOLUTION HONORING THE ONE HUNDREDTH ANNIVERSARY OF
THE FOUNDING OF SCOTLAND COUNTY.
- With a favorable report.
- With a favorable report and recommendation that the bill be re-referred to the Committee on
Appropriations Finance .
- With a favorable report, as amended.
- With a favorable report, as amended, and recommendation that the bill be re-referred to the
Committee on Appropriations Finance .
- With a favorable report as to committee substitute bill (#), which changes the title,
unfavorable as to (original bill) (Committee Substitute Bill #), (and recommendation
that the committee substitute bill #) be re-referred to the Committee on .)
- With a favorable report as to House committee substitute bill (#), which changes
the title, unfavorable as to Senate committee substitute bill.
- With an unfavorable report.
- With recommendation that the House concur.
- With recommendation that the House do not concur.
- With recommendation that the House do not concur; request conferees.
- With recommendation that the House concur; committee believes bill to be material.
- With an unfavorable report, with a Minority Report attached.
- Without prejudice.
- With an indefinite postponement report.
- With an indefinite postponement report, with a Minority Report attached.
- With recommendation that it be adopted. (HOUSE RESOLUTION ONLY)

2/24/99

VISITOR REGISTRATION SHEET

Rules

Name of Committee

2/24/99

Date

VISITORS: PLEASE SIGN BELOW AND RETURN TO COMMITTEE CLERK.

NAME

Judy Brennan

FIRM OR AGENCY AND ADDRESS

Intern - General Assembly

Blank lined area for visitor registration.

AGENDA

**HOUSE COMMITTEE ON RULES, CALENDAR AND
OPERATIONS OF THE HOUSE**

**March 16, 1999
Room 421 LOB
1:00 PM**

OPENING REMARKS

Representative Culpepper, Chairman

CONSIDERATION OF BILLS

ACTION TAKEN ON BILLS

ADJOURNMENT

MINUTES OF THE COMMITTEE ON RULES, CALENDAR AND OPERATIONS OF
THE HOUSE

March 16, 1999

The Committee on Rules, Calendar and Operations of the House met on March 16, 1999 at 1:00 p.m. in Room 421 of the Legislative Office Building. Members present were Representatives Culpepper, Chairman; Alexander, Crawford, Gulley, Hill, Jarrell, McCombs, Nye, Tolson and Yongue.

Action was taken on the following bills:

House Resolution 325 entitled A HOUSE RESOLUTION HONORING THE EARLY OFFICERS OF THE TOWN OF SHALLOTTE ON THE ONE HUNDREDTH ANNIVERSARY OF THE TOWN. The chairman recognized Representative Hill, one of the sponsors of the resolution, who spoke on the resolution. Representative Crawford moved for adoption of the resolution, and the motion carried.


House Joint Resolution 76 entitled A JOINT RESOLUTION HONORING THE MEMORY OF JOHN REED ON THE BICENTENNIAL OF AMERICA'S FIRST GOLD DISCOVERY. Representative Moore, a sponsor of the resolution, was recognized to speak on the resolution, after which Representative Alexander made a motion that it be given a favorable report. The motion carried.


House Bill 214 entitled A BILL TO BE ENTITLED AN ACT TO MAKE TECHNICAL CHANGES TO THE LAND RECORDS STATUTES. The chairman recognized Representative Jeffus, a sponsor of the bill, to speak on the bill. The chairman stated that the Secretary of State had requested the technical changes in the bill. Representative Tolson moved that the bill be given a favorable report, and the motion carried.

House Joint Resolution 150 entitled A JOINT RESOLUTION HONORING THE LIFE AND MEMORY OF L. W. LOCKE, FORMER MEMBER OF THE GENERAL ASSEMBLY. Representative Alexander, one of the primary sponsors of the joint resolution, was recognized and spoke on the resolution. Representatives Yongue and Crawford jointly moved that the resolution be given a favorable report, and the motion carried.

There being no further business, the meeting adjourned at 1:20 p.m.

Respectfully submitted.


Representative Bill Culpepper, Chairman


Dorothy C. Crocker, Committee Assistant

~~Free~~ report

Adopted

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1999

H

1

HOUSE RESOLUTION 325

Sponsors: Representatives Redwine and Hill.

Referred to: Rules, Calendar and Operations of the House.

March 4, 1999

1 A HOUSE RESOLUTION HONORING THE EARLY OFFICERS OF THE TOWN
2 OF SHALLOTTE ON THE ONE HUNDREDTH ANNIVERSARY OF THE
3 TOWN.

4 Whereas, on March 6, 1999, the Town of Shallotte in Brunswick County
5 will be celebrating 100 years of incorporation; and

6 Whereas, the Town was named for the Shallotte River from which it is
7 located; and

8 Whereas, the Town's first temporary officers included George Leonard as
9 mayor; James Holmes, Charles Hemmingway, W.A. Frink, R.V. Leonard, and F.P.
10 White as commissioners; McD. Turner as marshall; and John W. Moore as treasurer;
11 and

12 Whereas, many of descendants of these first officers continue to live in
13 the Town of Shallotte, the County of Brunswick, and surrounding areas; and

14 Whereas, the Town's 100th anniversary and the contributions made by
15 these early officers to the development of the Town are worthy of celebration and
16 should be enjoyed and supported by all North Carolina citizens; Now, therefore,
17 Be it resolved by the House of Representatives:

18 Section 1. The House of Representatives honors the life and memory of
19 the Town of Shallotte's first officers and urges the citizens of this State to participate
20 in the activities commemorating the 100th anniversary of the Town of Shallotte.

21 Section 2. The Principal Clerk shall transmit a certified copy of this
22 resolution to the Mayor and the Town Manager of the Town of Shallotte.

23 Section 3. This resolution is effective upon adoption.

**1999 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES**

The following report(s) from standing committee(s) is/are presented:

By Representative(s) **Culpepper** for the Committee on **Rules, Calendar and Operatrions of the House.**

- Committee Substitute for
H.R. 325 A HOUSE RESOLUTION HONORING THE EARLY OFFICERS OF THE
TOWN OF SHALLOTTE ON THE ONE HUNDREDTH ANNIVERSARY OF THE
TOWN.
- With a favorable report.
- With a favorable report and recommendation that the bill be re-referred to the Committee on
Appropriations Finance .
- With a favorable report, as amended.
- With a favorable report, as amended, and recommendation that the bill be re-referred to the
Committee on Appropriations Finance .
- With a favorable report as to committee substitute bill (#), which changes the title,
unfavorable as to (original bill) (Committee Substitute Bill #), (and recommendation
that the committee substitute bill #) be re-referred to the Committee on .)
- With a favorable report as to House committee substitute bill (#), which changes
the title, unfavorable as to Senate committee substitute bill.
- With an unfavorable report.
- With recommendation that the House concur.
- With recommendation that the House do not concur.
- With recommendation that the House do not concur; request conferees.
- With recommendation that the House concur; committee believes bill to be material.
- With an unfavorable report, with a Minority Report attached.
- Without prejudice.
- With an indefinite postponement report.
- With an indefinite postponement report, with a Minority Report attached.
- With recommendation that it be adopted. (HOUSE RESOLUTION ONLY)

2/24/99

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 1999

*Forwards
On House Calendar*

H

1

HOUSE JOINT RESOLUTION 76

Sponsors: Representatives Moore and Barbee.

Referred to: Rules, Calendar, and Operations of the House.

February 15, 1999

1 A JOINT RESOLUTION HONORING THE MEMORY OF JOHN REED ON THE
2 BICENTENNIAL OF AMERICA'S FIRST GOLD DISCOVERY.
3 Whereas, John Reed, a Hessian soldier of the American Revolution who
4 fled the British army, took up farming in present-day Cabarrus County; and
5 Whereas, in 1799 his 12-year-old son Conrad discovered a small wedge-
6 shaped rock that weighed an estimated 17 pounds; and
7 Whereas, that find was the first authenticated discovery of gold north of
8 Mexico and initiated the first gold rush in America; and
9 Whereas, during the next half century North Carolina played a leading
10 role in gold mining, this activity reaching from the mountains to the coastal plain and
11 employing thousands of North Carolinians; and
12 Whereas, the Bechtler family established the nation's first private mint in
13 Rutherford County; and
14 Whereas, all of the native gold minted in the United States prior to 1828
15 came from the Old North State; and
16 Whereas, the United States government established a branch mint in
17 Charlotte in 1837; and
18 Whereas, before 1849 North Carolina produced more gold than any state
19 in the Union; and
20 Whereas, Canada and Alaska are commemorating the centennial of the
21 Klondike gold rush; and
22 Whereas, the state of California is commemorating the sesquicentennial of
23 the California gold rush; and
24 Whereas, North Carolina needs to reassert its primacy in the history of
25 gold in America; Now, therefore,
26 Be it resolved by the House of Representatives, the Senate concurring:

- 1 Section 1. The General Assembly honors the memory of John Reed and
2 calls upon all North Carolinians to observe, celebrate, and participate in events
3 commemorating the bicentennial of the discovery of gold at the Reed Gold Mine
4 State Historic Site and the importance of gold in the history of the State and nation.
5 Section 2. This resolution is effective upon ratification.

**1999 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES**

The following report(s) from standing committee(s) is/are presented:

By Representative(s) **Bill Culpepper** for the Committee on **Rules, Calendar and Operations of the House.**

- Committee Substitute for
H.J.R. 76 A JOINT RESOLUTION HONORING THE MEMORY OF JOHN REED ON
THE BICENTENNIAL OF AMERICA'S FIRST GOLD DISCOVERY.
- With a favorable report.
- With a favorable report and recommendation that the bill be re-referred to the Committee on
Appropriations Finance .
- With a favorable report, as amended.
- With a favorable report, as amended, and recommendation that the bill be re-referred to the
Committee on Appropriations Finance .
- With a favorable report as to committee substitute bill (#), which changes the title,
unfavorable as to (original bill) (Committee Substitute Bill #), (and recommendation
that the committee substitute bill #) be re-referred to the Committee on .)
- With a favorable report as to House committee substitute bill (#), which changes
the title, unfavorable as to Senate committee substitute bill.
- With an unfavorable report.
- With recommendation that the House concur.
- With recommendation that the House do not concur.
- With recommendation that the House do not concur; request conferees.
- With recommendation that the House concur; committee believes bill to be material.
- With an unfavorable report, with a Minority Report attached.
- Without prejudice.
- With an indefinite postponement report.
- With an indefinite postponement report, with a Minority Report attached.
- With recommendation that it be adopted. (HOUSE RESOLUTION ONLY)

2/24/99

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 1999

Favorable

H

1

HOUSE BILL 214

Short Title: Land Records Statutes Tech. Mods/AB.

(Public)

Sponsors: Representatives Jeffus, Mosley, and Wainwright (Primary Sponsors).

Referred to: Rules, Calendar and Operations of the House.

March 2, 1999

1 A BILL TO BE ENTITLED
2 AN ACT TO MAKE TECHNICAL CHANGES TO THE LAND RECORDS
3 STATUTES.

4 The General Assembly of North Carolina enacts:

5 Section 1. G.S. 102-15 reads as rewritten:

6 "**§ 102-15. Improvement of land records.**

7 There is hereby established a statewide program for improvement of county land
8 records to be administered by the Secretary of ~~Environment and Natural Resources~~
9 State (hereafter called the Secretary). First emphasis shall be given to the completion
10 of countywide base maps. Counties with a base map system prepared to acceptable
11 standards will be encouraged to undertake subsequent logical improvements in their
12 respective land records systems. Work undertaken by any county under this program
13 will be eligible for financial assistance out of funds appropriated for this purpose to
14 the Department of ~~Environment and Natural Resources~~; the Secretary of State. The
15 amount allotted to each project is to be determined by the Secretary, but in no case
16 shall such allotments exceed one dollar for every dollar of local tax funds expended
17 on the project by the county. Federal or other State funds available to the project will
18 not be eligible as matching money under the State program."

19 Section 2. G.S. 102-17 reads as rewritten:

20 "**§ 102-17. County projects eligible for assistance.**

21 All projects funded under this assistance program shall be described as conforming
22 to one or more of the project outlines defined herein. All projects shall achieve a
23 substantial measure of conformity with the objectives set forth in these project
24 outlines such that a greater degree of statewide standardization of land records will

1 result. The Secretary shall prepare and make available to all counties administrative
2 regulations designed to assist the counties in preparing project plans and applications
3 for assistance, and to assure compliance with the objectives and other requirements of
4 G.S. 102-15, 102-16, and this section. County projects shall be eligible for assistance
5 subject to availability of funds, compliance with administrative regulations, and
6 conformity with one or more of the project outlines as follows:

7 (1) Base Maps. -- Preparation of accurate planimetric or orthophoto
8 maps with countywide coverage at one or more scale ratios suitable
9 as a base for the development and maintenance of current
10 cadastral maps. These maps shall have additional information
11 included where appropriate to increase their utility for other
12 purposes. The formulation of technical standards and detailed
13 specifications and the coordination of all such mapping projects
14 with other State mapping programs shall be the responsibility of
15 the Department of ~~Environment and Natural Resources.~~ the
16 Secretary of State. Insofar as possible mapping projects funded
17 under this assistance program shall utilize existing photography,
18 geodetic control surveys, and previously mapped information, and
19 be coordinated or combined with adjacent or related mapping
20 projects to achieve the best efficiency and economy consistent with
21 the maintenance of high quality map production.

22 (2) Cadastral Maps. -- Preparation of accurate maps of all property
23 boundaries together with other supporting information and based
24 on up-to-date planimetric or orthophoto maps conforming to the
25 specifications for base maps outlined in subdivision (1) of this
26 section. The formulation of specifications and standards for these
27 cadastral maps shall be the responsibility of the Department of
28 ~~Revenue.~~ the Secretary of State. These specifications and
29 standards shall be designed to conform to the best acceptable
30 practice for county land records in North Carolina. The cadastral
31 maps shall be scheduled as nearly as possible to be completed and
32 made available for the next revaluation cycle to be undertaken by
33 each county and the maps shall include references to subdivision
34 plat numbers, property codes, and other related information
35 considered useful to the appraisal process or to the public
36 generally.

37 (3) Standardized Parcel Identifiers. -- Adoption of a system of parcel
38 identifiers which will serve to provide unique identification of each
39 parcel of land, a permanent historical record of change and the
40 chain of title, and any necessary cross-reference to other
41 preexisting parcel identifiers. The proposed system of parcel
42 identifiers shall conform to such minimum specifications and
43 standards as may be promulgated by the Secretary for the purpose
44 of achieving consistency and compatibility among all counties

1 throughout the State. Said minimum specifications and standards
2 for parcel identifier systems shall be adopted and administered by
3 the Secretary only after consultation with the recommendation
4 from an advisory committee on land records with a membership
5 representative of professional organizations concerned with public
6 land records and map making.

- 7 (4) Automated Processing of Land Parcel Records. -- Preparation and
8 implementation of a system of automated record keeping and
9 processing which will expedite the maintenance of accurate up-to-
10 date files, improve the appraisal process, and facilitate analytical
11 operations needed to respond to requirements for current
12 information. Technical standards and minimum specifications shall
13 be the joint responsibility of the Department of ~~Environment and~~
14 ~~Natural Resources~~, the Secretary of State, the Department of
15 Revenue, and the Department of Cultural Resources."

16 Section 3. G.S. 161-22.2 reads as rewritten:

17 "**§ 161-22.2. Parcel identifier number indexes.**

18 (a) In lieu of the alphabetical indexes required by G.S. 161-21, 161-22 and 161-
19 22.1, the register of deeds of any county in which unique parcel identifier numbers
20 have been assigned to all parcels of real property may install an index by land parcel
21 identifier numbers. For each instrument filed of record, the entry in a land parcel
22 identifier number index must contain the following information:

- 23 (1) The parcel identifier number of the parcel or parcels affected;
24 (2) A brief description of the parcel or parcels, including subdivision
25 block and lot number, if any;
26 (3) A description of the type of instrument recorded and the date the
27 instrument was filed;
28 (4) The names of the parties to the instrument to the same extent as
29 required by G.S. 161-22 and the legal status of the parties indexed;
30 (5) The book and page number, or film reel and frame number, or
31 other file number where the instrument is recorded.

32 (b) Every instrument affecting real property filed for recording in the office of
33 such register of deeds shall be indexed under the parcel identifier number of the land
34 parcel or parcels affected.

35 (c) The parcel identifier number index may be maintained in index books, on
36 index cards, on film, or in computers or other automated data-processing machines. If
37 the parcel identifier number index is maintained in a computer or other automated
38 data-processing machine, the register of deeds shall, at least once each month, obtain
39 from the computer or other data-processing machine a printed copy on paper or film
40 of all index entries made since the previous printed copy was obtained. The printed
41 copies shall be retained as security copies and shall not be altered or destroyed.

42 (d) Before a register of deeds may install a parcel identifier number index in lieu
43 of the alphabetical indexes required by G.S. 161-22, the proposed index must be

1 approved by the Secretary of ~~Environment and Natural Resources~~. State. Before
2 approving a parcel identifier number index, the Secretary must find that:

- 3 (1) The requirements of this section, G.S. 161-22, and all other
4 applicable indexing requirements of the North Carolina General
5 Statutes and applicable judicial decisions will be met by the index;
- 6 (2) Measures for the protection of the indexed information are such
7 that computer or other machine failure will not cause an
8 irremediable loss of the information;
- 9 (3) Printed forms and index sheets used in the index permit a display
10 of all information required by law and are otherwise adequate;
- 11 (4) Any computer or other data-processing machine used and the
12 program for the use of such machines are adequate to perform the
13 tasks assigned to them;
- 14 (5) Access to the information contained in the index can be obtained
15 by the use of both a parcel identifier number and the name of any
16 party to an instrument filed of record;
- 17 (6) Any parcel identifier number either reflects the State plane
18 coordinates of some point in the parcel, or is keyed to a map of
19 the parcel that shows the location of the parcel within the county;
- 20 (7) The parcel identifier numbering system is designed so that no
21 parcel will be assigned the same number as any other parcel within
22 the county;
- 23 (8) The parcel identifier numbering system shows for parcels of land
24 created by subdivision, the number of the parcel of land
25 subdivided in addition to the numbers of the newly-created
26 parcels;
- 27 (9) The parcel identifier numbering system shows for parcels of land
28 created by the combining of separate parcels, the numbers of the
29 land parcels that were combined in addition to the number of the
30 newly-created parcel;
- 31 (10) The parcel identifier numbering system is capable of identifying
32 condominium units and other separate legal interests that may be
33 created in a single parcel of land;
- 34 (11) The parcel identifier numbering system will meet the needs of the
35 users as well as or better than the alphabetical indexes required by
36 G.S. 161-21, 161-22 and 161-22.1.

37 The Secretary may require a register of deeds seeking approval of a parcel identifier
38 number index to furnish him with any information concerning the index that is
39 pertinent to the findings required for approval.

- 40 (e) (1) An approved parcel identifier number index shall become effective
41 as the official real property index of the county as of the first day
42 of July or the first day of January, as the board of commissioners
43 directs, following approval by the Secretary of ~~Environment and~~
44 ~~Natural Resources~~. State.

1 (2) In any county in which a parcel identifier index is the official
2 index, the register of deeds shall post notices in the alphabetical
3 index books and at other appropriate places in his office stating
4 that the parcel identifier number index is the official index and the
5 date when the change became effective."

6 Section 4. This act is effective when it becomes law.

**1999 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES**

The following report(s) from standing committee(s) is/are presented:

By Representative(s) **Bill Culpepper** for the Committee on **Rules, Calendar and Operations of the House.**

- Committee Substitute for
H.B. 214 A BILL TO BE ENTITLED AN ACT TO MAKE TECHNICAL CHANGES TO
THE LAND RECORDS STATUTES.
- With a favorable report.
- With a favorable report and recommendation that the bill be re-referred to the Committee on
Appropriations Finance .
- With a favorable report, as amended.
- With a favorable report, as amended, and recommendation that the bill be re-referred to the
Committee on Appropriations Finance .
- With a favorable report as to committee substitute bill (#), which changes the title,
unfavorable as to (original bill) (Committee Substitute Bill #), (and recommendation
that the committee substitute bill #) be re-referred to the Committee on .)
- With a favorable report as to House committee substitute bill (#), which changes
the title, unfavorable as to Senate committee substitute bill.
- With an unfavorable report.
- With recommendation that the House concur.
- With recommendation that the House do not concur.
- With recommendation that the House do not concur; request conferees.
- With recommendation that the House concur; committee believes bill to be material.
- With an unfavorable report, with a Minority Report attached.
- Without prejudice.
- With an indefinite postponement report.
- With an indefinite postponement report, with a Minority Report attached.
- With recommendation that it be adopted. (HOUSE RESOLUTION ONLY)

2/24/99

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1999

H

1

HOUSE JOINT RESOLUTION 150

Sponsors: Representatives Owens, Fox, Alexander (Primary Sponsors);
Culpepper, Hardaway, Hill, Hunter, McComas, and Preston.

Referred to: Rules, Calendar and Operations of the House.

February 25, 1999

1 A JOINT RESOLUTION HONORING THE LIFE AND MEMORY OF L.W.
2 LOCKE, FORMER MEMBER OF THE GENERAL ASSEMBLY.

3 Whereas, L.W. Locke was born in Enfield, North Carolina on November
4 25, 1934, to Lorenza Locke and Anna Harper Locke; and

5 Whereas, L.W. Locke graduated from Enfield High School in 1952 and
6 North Carolina State University in 1956, receiving a B.S. degree in Agricultural
7 Engineering; and

8 Whereas, L.W. Locke married Charlotte E. Cooper on December 22,
9 1956, and was the father of three daughters, Beverly, Phyllis and Audrey; and

10 Whereas, L.W. Locke proudly served his country as a member of the
11 United States Army from 1957 to 1964 and also served as a reserve in the North
12 Carolina National Guard; and

13 Whereas, L.W. Locke was successful in business, serving as President and
14 CEO of Eastern Petroleum Corporation for over 40 years and as Secretary/Treasurer
15 and Co-Owner of New Dixie Oil Corporation; and

16 Whereas, L.W. Locke donated his time and expertise to his profession
17 and community by serving in numerous organizations, including the North Carolina
18 LP-Gas Association, North Carolina Petroleum Marketers Association, the Halifax-
19 Roanoke LP Gas Association, Enfield Lions Club, North Carolina State University
20 Alumni Association, Enfield Chamber of Commerce, Enfield Development
21 Corporation, and the Enfield Optimist Club; and

22 Whereas, L.W. Locke was a member of several boards and commissions,
23 often serving in leadership roles, including the North Carolina Petroleum Marketers
24 Association, the Petroleum Marketers Education Foundation, the Petroleum
25 Marketers Association of America, the Executive and EPA and OSHA Task Force

1 Committees of the National Oil Jobbers Council, Centura Bank Local Board, Enfield
2 Savings Bank, Halifax Memorial Hospital, Enfield Red Cross Board, Enfield
3 Educational Foundation, Enfield Academy, the Advisory Board at Meredith College,
4 and North Carolina State University's Athletic Council; and

5 Whereas, L.W. Locke was named the Outstanding Young Man of
6 America in 1972 and was awarded the Phillips Petroleum Company's Mr. Phil
7 Service Award in 1968 and the North Carolina Petroleum Marketers Association's
8 William A. Parker Memorial Service Award in 1982; and

9 Whereas, L.W. Locke served with honor and distinction in the North
10 Carolina House of Representatives during the 1995-96 Session of the General
11 Assembly; and

12 Whereas, L.W. Locke was a devoted and active member of the Enfield
13 United Methodist Church, serving as Chair of the Board of Trustees and the
14 Parsonage Building Fund, and as a member of the Finance Committee; and

15 Whereas, L.W. Locke died on May 22, 1998, bringing an end to his long
16 and constructive life; and

17 Whereas, L.W. Locke is survived by his wife, Charlotte, their daughters,
18 and eight grandchildren; and

19 Whereas, it is the desire of the General Assembly to take note of L.W.
20 Locke's achievements and pay tribute to his life and service rendered; Now,
21 therefore,

22 Be it resolved by the House of Representatives, the Senate concurring:

23 Section 1. The General Assembly honors the life and memory of L.W.
24 Locke and expresses appreciation for the service he rendered to his community, the
25 State of North Carolina, and the United States.

26 Section 2. The General Assembly expresses its deepest sympathy to the
27 family of L.W. Locke for the loss of a beloved husband, father, grandfather, and
28 friend.

29 Section 3. The Secretary of State shall transmit a certified copy of this
30 resolution to the family of L. W. Locke.

31 Section 4. This resolution is effective upon ratification.

**1999 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES**

The following report(s) from standing committee(s) is/are presented:

By Representative(s) **Bill Culpepper** for the Committee on **Rules, Calendar and Operations of the House.**

- Committee Substitute for
H.J.R. 150 A JOINT RESOLUTION HONORING THE LIFE AND MEMORY OF L. W.
LOCKE, FORMER MEMBER OF THE GENERAL ASSEMBLY.
- With a favorable report.
- With a favorable report and recommendation that the bill be re-referred to the Committee on
Appropriations Finance .
- With a favorable report, as amended.
- With a favorable report, as amended, and recommendation that the bill be re-referred to the
Committee on Appropriations Finance .
- With a favorable report as to committee substitute bill (#), which changes the title,
unfavorable as to (original bill) (Committee Substitute Bill #), (and recommendation
that the committee substitute bill #) be re-referred to the Committee on .)
- With a favorable report as to House committee substitute bill (#), which changes
the title, unfavorable as to Senate committee substitute bill.
- With an unfavorable report.
- With recommendation that the House concur.
- With recommendation that the House do not concur.
- With recommendation that the House do not concur; request conferees.
- With recommendation that the House concur; committee believes bill to be material.
- With an unfavorable report, with a Minority Report attached.
- Without prejudice.
- With an indefinite postponement report.
- With an indefinite postponement report, with a Minority Report attached.
- With recommendation that it be adopted. (HOUSE RESOLUTION ONLY)

2/24/99

VISITOR REGISTRATION SHEET

Rules Comm

3-16-99

VISITORS: PLEASE SIGN BELOW AND RETURN TO COMMITTEE CLERK

NAME

FIRM OR AGENCY

1. Doug Harty

NC PMA

2. Gary Harris

NC PMA

3. Lisa Ruff

the insider

4. Sandy McRay

5. Tiffany McRay

6. Patrick McRay

7. Brandon Johaish

8. Shirley Pye

SOS

9. Jessie Tompkins

Sec State

10. Ray Mammone

SOS

11. Bernard Allen

SOS

12. Amos G. Dean

NCMS

13. John P. Pritchard

AD&T

14.

15.

16.

17.

18.

19.

20.

21.

AGENDA

**HOUSE COMMITTEE ON RULES, CALENDAR AND
OPERATIONS OF THE HOUSE**

March 31, 1999

Room 421 LOB

1:00 PM

OPENING REMARKS

Representative Culpepper, Chairman

CONSIDERATION OF BILLS

ACTION TAKEN ON BILLS

ADJOURNMENT

MINUTES OF THE COMMITTEE ON RULES, CALENDAR AND OPERATIONS OF
THE HOUSE

March 31, 1999

The Committee on Rules, Calendar and Operations of the House met on March 31, 1999 at 1:00 p.m. in Room 421 of the Legislative Office Building. Members present were Representatives Culpepper, Chairman; Joe Hackney, Vice Chairman; Allen, Crawford, Gibson, Gulley, Hill, McCombs, McMahan, Nye, Ramsey, Tolson, and Yongue.

Action was taken on the following bills:

Senate Bill 289 entitled AN ACT TO NAME THE NORTH CAROLINA CHILDREN'S VISION SCREENING IMPROVEMENT PROGRAM IN HONOR OF KENNETH C. ROYALL, JR.. Senator Plyler, one of the sponsors, of the bill, was recognized to speak on the bill. Following his remarks, Representative Nye moved for a favorable report, and the motion carried.

House Resolution 451 entitled A HOUSE RESOLUTION HONORING RICHARD C. HOFFMAN FOR WHOM THE TOWN OF HOFFMAN IS NAMED ON THE ONE HUNDREDTH ANNIVERSARY OF THE TOWN. The chairman recognized Representative Goodwin, sponsor, to speak on the resolution. Representative Yongue made a motion for adoption of the resolution. The motion passed.

House Joint Resolution 387 entitled A JOINT RESOLUTION HONORING THE LIFE AND MEMORY OF WADE BOSTIC MATHENY, FORMER MEMBER OF THE GENERAL ASSEMBLY. The chairman recognized Representative Horn, one of the sponsors of the resolution. Following Representative Horn's remarks, Representative Gibson moved for a favorable report of the resolution, which motion carried.

House Joint Resolution 448 entitled A JOINT RESOLUTION HONORING THE LIFE AND MEMORY OF ALEXANDER DUKE 'A.D.' GUY, FORMER MEMBER OF THE GENERAL ASSEMBLY. Representative Smith was recognized and presented the resolution. Representative Nye made a motion that the resolution be given a favorable report, and the motion passed.

House Bill 652 entitled AN ACT TO MODIFY THE MEMBERSHIP OF THE BOARD OF DIRECTORS OF THE ROANOKE ISLAND HISTORICAL ASSOCIATION. The chairman explained the technical change in the proposed committee substitute for the bill. Representative Crawford moved that the original bill be given an unfavorable report and that the committee substitute be given a favorable report. The motion carried.

There being no further business, the meeting adjourned at 1:20 p.m.


Representative Bill Culpepper, Chairman

Respectfully submitted,


Dorothy C. Crocker, Committee Assistant

**1999 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES**

The following report(s) from standing committee(s) is/are presented:

By Representative(s) **Culpepper** for the Committee on **Rules Calendar and Operations Of The House.**

- Committee Substitute for
S.B. 289 A BILL TO BE ENTITLED AN ACT TO NAME THE NORTH CAROLINA CHILDREN'S VISION SCREENING IMPROVEMENT PROGRAM IN HONOR OF KENNETH C. ROYALL, JR.
- With a favorable report.
- With a favorable report and recommendation that the bill be re-referred to the Committee on Appropriations Finance .
- With a favorable report, as amended.
- With a favorable report, as amended, and recommendation that the bill be re-referred to the Committee on Appropriations Finance .
- With a favorable report as to committee substitute bill (#), which changes the title, unfavorable as to (original bill) (Committee Substitute Bill #), (and recommendation that the committee substitute bill #) be re-referred to the Committee on .)
- With a favorable report as to House committee substitute bill (#), which changes the title, unfavorable as to Senate committee substitute bill.
- With an unfavorable report.
- With recommendation that the House concur.
- With recommendation that the House do not concur.
- With recommendation that the House do not concur; request conferees.
- With recommendation that the House concur; committee believes bill to be material.
- With an unfavorable report, with a Minority Report attached.
- Without prejudice.
- With an indefinite postponement report.
- With an indefinite postponement report, with a Minority Report attached.
- With recommendation that it be adopted. (HOUSE RESOLUTION ONLY)

2/24/99

*Moved for adaption
Report*

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1999

H

1

HOUSE RESOLUTION 451

Sponsors: Representative Goodwin.

Referred to: Rules, Calendar and Operations of the House.

March 15, 1999

1 A HOUSE RESOLUTION HONORING RICHARD C. HOFFMAN FOR WHOM
2 THE TOWN OF HOFFMAN IS NAMED ON THE ONE HUNDREDTH
3 ANNIVERSARY OF THE TOWN.

4 Whereas, the Town of Hoffman in Richmond County was settled in the
5 mid-1870s as a result of the construction of the Raleigh and Augusta Air Line
6 Railroad; and

7 Whereas, the Town was named for Richard C. Hoffman who served as
8 president of the railroad during that time; and

9 Whereas, the Town of Hoffman was incorporated by the General
10 Assembly on February 23, 1899; and

11 Whereas, the Town's 100th anniversary and the contributions made by
12 Richard C. Hoffman to the development of the Town are worthy of celebration and
13 should be enjoyed and supported by all North Carolina citizens; Now, therefore,

14 Be it resolved by the House of Representatives:

15 Section 1. The House of Representatives honors the life and memory of
16 Richard C. Hoffman and urges the citizens of this State to participate in the activities
17 commemorating the 100th anniversary of the Town of Hoffman.

18 Section 2. The Principal Clerk shall transmit a certified copy of this
19 resolution to the Mayor and the Town Manager of the Town of Hoffman.

20 Section 3. This resolution is effective upon adoption.

**1999 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES**

The following report(s) from standing committee(s) is/are presented:

By Representative(s) **Culpepper** for the Committee on **Rules, Calendar And Operations
Of The House.**

Committee Substitute for
H.R. 451 A HOUSE RESOLUTION HONORING RICHARD C. HOFFMAN FOR WHOM
THE TOWN OF HOFFMAN IS NAMED ON THE ONE HUNDREDTH ANNIVERSARY
OF THE TOWN.

- With a favorable report.
- With a favorable report and recommendation that the bill be re-referred to the Committee on
Appropriations Finance .
- With a favorable report, as amended.
- With a favorable report, as amended, and recommendation that the bill be re-referred to the
Committee on Appropriations Finance .
- With a favorable report as to committee substitute bill (#), which changes the title,
unfavorable as to (original bill) (Committee Substitute Bill #), (and recommendation
that the committee substitute bill #) be re-referred to the Committee on .)
- With a favorable report as to House committee substitute bill (#), which changes
the title, unfavorable as to Senate committee substitute bill.
- With an unfavorable report.
- With recommendation that the House concur.
- With recommendation that the House do not concur.
- With recommendation that the House do not concur; request conferees.
- With recommendation that the House concur; committee believes bill to be material.
- With an unfavorable report, with a Minority Report attached.
- Without prejudice.
- With an indefinite postponement report.
- With an indefinite postponement report, with a Minority Report attached.
- With recommendation that it be adopted. (HOUSE RESOLUTION ONLY)

2/24/99

DPI

~~*Favorable Hold*~~

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1999

H

1

HOUSE JOINT RESOLUTION 387*

Sponsors: Representatives Horn and Dedmon.

Referred to: Rules, Calendar and Operations of the House.

March 10, 1999

1 **A JOINT RESOLUTION HONORING THE LIFE AND MEMORY OF WADE**
2 **BOSTIC MATHENY, FORMER MEMBER OF THE GENERAL ASSEMBLY.**

3 Whereas, Wade Bostic Matheny was born on January 26, 1905, to John
4 W. Matheny and Arrie Kennedy Matheny in Forest City, North Carolina; and

5 Whereas, Wade Bostic Matheny graduated from Forest City High School
6 in 1924, Wake Forest University in 1928, and the Law School at the University of
7 North Carolina at Chapel Hill in 1932; and

8 Whereas, Wade Bostic Matheny had an expansive career, serving as a
9 high school teacher, attorney, and businessman; and

10 Whereas, Wade Bostic Matheny was a devoted public servant, serving as
11 President of the Rutherford County Bar Association, as Rutherford County's Solicitor
12 and Prosecuting Attorney, and also as a District Court Judge; and

13 Whereas, Wade Bostic Matheny was a member of several fraternal and
14 civic organizations including the Knights of Pythias, the Rutherford County Chamber
15 of Commerce, and the Forest City Kiwanis Club, and served as Secretary of the
16 Broad River Soil Conservation District; and

17 Whereas, Wade Bostic Matheny was honored by the Chamber of
18 Commerce with a plaque for community service and twice awarded by the Kiwanis
19 Club for distinguished service; and

20 Whereas, as a member of the local school board, Wade Bostic Matheny
21 chaired a committee to solicit support for an Industrial Education Center to train
22 high school dropouts; and

23 Whereas, this center was established in Avondale in 1961 and was the
24 beginning of Iso Thermal Community College; and

25 Whereas, Wade Bostic Matheny served with honor and distinction as a
26 member of the North Carolina Senate from 1941 through 1946; and

1 Whereas, while a member of the General Assembly, Wade Bostic
2 Matheny sponsored a bill to provide financial support for a health department in
3 every county in the State, granting every adult and child access to medical care
4 regardless of ability to pay; and

5 Whereas, Wade Bostic Matheny was a member of the First Baptist
6 Church in Forest City for 63 years, serving as a deacon and Bible Class teacher; and

7 Whereas, Wade Bostic Matheny was respected and admired by his
8 community; and

9 Whereas, Wade Bostic Matheny was a loving husband and devoted father
10 and grandfather; and

11 Whereas, Wade Bostic Matheny died on December 2, 1998; and

12 Whereas, Wade Bostic Matheny is survived by his wife, Eleanor Calhoun
13 Matheny, a daughter, Alice Matheny Lancaster, a son, David W. Matheny, and a
14 number of grandchildren; Now, therefore,

15 Be it resolved by the House of Representatives, the Senate concurring:

16 Section 1. The General Assembly honors the life and memory of Wade
17 Bostic Matheny and expresses gratitude and appreciation for the service he rendered
18 to his community and State.

19 Section 2. The General Assembly expresses its sincere sympathy to the
20 family and friends of Wade Bostic Matheny.

21 Section 3. The Secretary of State shall transmit a certified copy of this
22 resolution to the family of Wade Bostic Matheny.

23 Section 4. This resolution is effective upon ratification.

**1999 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES**

The following report(s) from standing committee(s) is/are presented:

By Representative(s) **Bill Culpepper** for the Committee on **Rules, Calendar and
Operations of the House.**

Committee Substitute for
H.J.R. 387 A JOINT RESOLUTION HONORING THE LIFE AND MEMORY OF WADE
BOSTICE MATHENY, FORMER MEMBER OF THE GENERAL ASSEMBLY.

- With a favorable report.
- With a favorable report and recommendation that the bill be re-referred to the Committee on
Appropriations Finance .
- With a favorable report, as amended.
- With a favorable report, as amended, and recommendation that the bill be re-referred to the
Committee on Appropriations Finance .
- With a favorable report as to committee substitute bill (#), which changes the title,
unfavorable as to (original bill) (Committee Substitute Bill #), (and recommendation
that the committee substitute bill #) be re-referred to the Committee on .)
- With a favorable report as to House committee substitute bill (#), which changes
the title, unfavorable as to Senate committee substitute bill.
- With an unfavorable report.
- With recommendation that the House concur.
- With recommendation that the House do not concur.
- With recommendation that the House do not concur; request conferees.
- With recommendation that the House concur; committee believes bill to be material.
- With an unfavorable report, with a Minority Report attached.
- Without prejudice.
- With an indefinite postponement report.
- With an indefinite postponement report, with a Minority Report attached.
- With recommendation that it be adopted. (HOUSE RESOLUTION ONLY)

2/24/99

Favorable Hold

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1999

H

1

HOUSE JOINT RESOLUTION 448*

Sponsors: Representatives Smith, Grady; Warwick (Primary Sponsors) and Tucker.

Referred to: Rules, Calendar and Operations of the House.

March 15, 1999

1 A JOINT RESOLUTION HONORING THE LIFE AND MEMORY OF
2 ALEXANDER DUKE "A. D." GUY, FORMER MEMBER OF THE GENERAL
3 ASSEMBLY.

4 Whereas, Alexander Duke "A. D." Guy was born on November 20, 1918,
5 in the Town of Calypso in Duplin County to Alexander Buck Guy and Elizabeth
6 Faust Guy; and

7 Whereas, A. D. Guy graduated from Calypso High School in 1935 and
8 furthered his education through courses at North Carolina State University and the
9 University of North Carolina at Chapel Hill; and

10 Whereas, A. D. Guy served his community as a member of the
11 Jacksonville City Council, as Mayor of the City of Jacksonville, and as a member of
12 the Onslow County Board of Commissioners; and

13 Whereas, A. D. Guy served as a member of the House of Representatives
14 from 1979 to 1982 and as a member of the Senate from 1983 to 1991, where he
15 contributed greatly to the work of the General Assembly by ably serving as a member
16 and chair of several committees; and

17 Whereas, A. D. Guy was an insurance agent and realtor; and

18 Whereas, A. D. Guy was a member of numerous professional boards and
19 organizations, including the Independent Insurance Agents of North Carolina, North
20 Carolina Association of Realtors, National Association for Real Estate Boards, and
21 the Jacksonville Board of Realtors; and

22 Whereas, A. D. Guy was active in numerous civic and fraternal
23 organizations in his community, serving as a member of the Loyal Order of the
24 Moose and Jacksonville Toastmasters, President of the Jacksonville Rotary Club,
25 President of the Onslow County Chapter of the American Cancer Society, Campaign

1 Chair of the American Red Cross Society, founder of the Jacksonville Municipal
2 Court, and founder of the First Biracial Committee in the City of Jacksonville; and

3 Whereas, A. D. Guy also made contributions as a member of the Onslow
4 Memorial Hospital Authority, Board of Directors of the North Carolina League of
5 Municipalities, Board of Directors of the Home Federal Savings and Loan
6 Association, Board of Directors of the North Carolina Retail Merchants Association,
7 Governor's Committee of Mayor's Co-Operating Committee, Atlantic State Marine
8 Fisheries Commission, and the Committee on Commerce, Labor, and Regulation of
9 the National Conference of State Legislatures State-Federal Assembly; and

10 Whereas, A. D. Guy was a faithful member of the Trinity United
11 Methodist Church, serving on the Board of Trustees, the Administrative Board, the
12 Fund Raising Campaign for Christian Higher Education, and as a member of the
13 Staff Parish Relations Committee; and

14 Whereas, A. D. Guy was highly respected by his colleagues and the
15 members of his community; and

16 Whereas, A. D. Guy died on March 14, 1998; and

17 Whereas, A. D. Guy was married to the former Margaret Holmes Guy,
18 who preceded him in death, and is survived by his sons: Alexander D. Guy Jr.,
19 Bundage H. Guy, and Douglas B. Guy; a stepson, Dennis Guthrie; five grandchildren:
20 Alexander Duke Guy III, Mallery W. Guy, Megan Jeaneal Guy, Bundage Jordan
21 Guy, and Douglas Taylor Guy; and three stepgrandchildren: Christopher Neil
22 Adkins, Alexa Kay McMurtrey, and Jason Guthrie; Now, therefore,

23 Be it resolved by the House of Representatives, the Senate concurring:

24 Section 1. The General Assembly expresses its deep appreciation for the
25 life and accomplishments of Alexander Duke "A. D." Guy and for the outstanding
26 service he rendered to the State of North Carolina, the County of Onslow, and the
27 City of Jacksonville.

28 Section 2. The General Assembly extends its deepest sympathy to the
29 family of Alexander Duke "A. D." Guy for the loss of their beloved father,
30 grandfather, and friend.

31 Section 3. The Secretary of State shall transmit a certified copy of this
32 resolution to the family of Alexander Duke "A. D." Guy.

33 Section 4. This resolution is effective upon ratification.

**1999 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES**

The following report(s) from standing committee(s) is/are presented:

By Representative(s) **Culpepper** for the Committee on **Rules, Calendar And Operations
Of The House.**

Committee Substitute for

H.J.R. 448 A JOINT RESOLUTION HONORING THE LIFE AND MEMORY OF
ALEXANDER DUKE "A.D." GUY, FORMER MEMBER OF THE GENERAL
ASSEMBLY.

With a favorable report.

With a favorable report and recommendation that the bill be re-referred to the Committee on
Appropriations Finance .

With a favorable report, as amended.

With a favorable report, as amended, and recommendation that the bill be re-referred to the
Committee on Appropriations Finance .

With a favorable report as to committee substitute bill (#), which changes the title,
unfavorable as to (original bill) (Committee Substitute Bill #), (and recommendation
that the committee substitute bill #) be re-referred to the Committee on .)

With a favorable report as to House committee substitute bill (#), which changes
the title, unfavorable as to Senate committee substitute bill.

With an unfavorable report.

With recommendation that the House concur.

With recommendation that the House do not concur.

With recommendation that the House do not concur; request conferees.

With recommendation that the House concur; committee believes bill to be material.

With an unfavorable report, with a Minority Report attached.

Without prejudice.

With an indefinite postponement report.

With an indefinite postponement report, with a Minority Report attached.

With recommendation that it be adopted. (HOUSE RESOLUTION ONLY)

2/24/99

FOR JOURNAL USE ONLY

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

____ The (committee substitute) bill/resolution (, as amended,) is (ordered engrossed and) re-referred to the Committee on _____.

____ The bill/resolution is re-referred to the Committee on _____.

____ On motion of (Rep. _____,) (the Chair,) the (committee substitute) bill/resolution is (ordered engrossed and) re-referred to the Committee on _____.

____ Pursuant to Rule 36(b), the (House)committee substitute bill (No. ____)/resolution is placed on the Calendar of _____. (The original bill) (House Committee Substitute Bill No. ____)/resolution is placed on the Unfavorable Calendar.

____ On motion of Rep. _____, (the rules are suspended) (Rule ____ is suspended) and the bill/resolution is placed on today's calendar. (for immediate consideration.)

____ On motion of Rep. _____, Committee Amendment No.(s) _____ is/are adopted (by EV _____).

____ On motion of Rep. _____, Committee Amendment No.(s) _____ is/are adopted (by EV _____).

____ Rep. _____ offers Amendment No. ____ which (is adopted.) (fails of adoption.) (by EV _____.) () This amendment changes the title.

____ The bill/resolution (, as amended,) passes its second reading (by following vote, ____ RC) (, by EV _____,) and (remains on the Calendar,) (and there being no objection is read a third time).

____ The bill/resolution (, as amended,) passes its third reading (by the following vote, ____ RC) (, by EV _____,) and is ordered
____ sent to the Senate.
____ without engrossment. ____ by Special message.
____ sent to the Senate for concurrence in
____ House amendment (s).
____ House committee substitute.
____ enrolled.

____ On motion of Rep. _____, the House concurs in the (material) Senate _____ (by the following vote, ____ RC) (, by EV _____,) and the bill is ordered enrolled.

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1999

H

1

HOUSE BILL 652

Short Title: Roanoke Island Historical Assoc.

(Public)

Sponsors: Representative Culpepper.

Referred to: Rules, Calendar and Operations of the House.

March 29, 1999

1 A BILL TO BE ENTITLED
2 AN ACT TO MODIFY THE MEMBERSHIP OF THE BOARD OF DIRECTORS
3 OF THE ROANOKE ISLAND HISTORICAL ASSOCIATION.
4 The General Assembly of North Carolina enacts:
5 Section 1. G.S. 143-200 reads as rewritten:
6 "§ 143-200. **Members of board of directors; terms; appointment.**
7 The governing body of ~~said~~ the Association shall be a board of directors consisting
8 of the Governor of the State, the Attorney ~~General~~ General, the Superintendent of
9 Public Instruction, and the Secretary of Cultural ~~Resources~~ Resources, or their
10 designee, as ex officio members, and the following 21 members: J. Spencer Love,
11 Greensboro; Miles Clark, Elizabeth City; Mrs. Richard J. Reynolds, Winston-Salem;
12 D. Hiden Ramsey, Asheville; Mrs. Charles A. Cannon, Concord; Dr. Fred Hanes,
13 Durham; Mrs. Frank P. Graham, Chapel Hill; Bishop Thomas C. Darst, Wilmington;
14 W. Dorsey Pruden, Edenton; John A. Buchanan, Durham; William B. Rodman, Jr.,
15 Washington; J. Melville Broughton, Raleigh; Melvin R. Daniels, Manteo; Paul Green,
16 Chapel Hill; Samuel Selden, Chapel Hill; R. Bruce Etheridge, Manteo; Theodore S.
17 Meekins, Manteo; Roy L. Davis, Manteo; M. K. Fearing, Manteo; A. R. Newsome,
18 Chapel Hill. The members of ~~said~~ the board of directors herein named other than
19 the ex officio members, shall serve for a term of two years and until their successors
20 are appointed. Appointments thereafter shall be made by the membership of the
21 Association in regular annual meeting or special meeting called for such purpose. In
22 the event the Association through its membership should fail to make such
23 appointments, then the appointments shall be made by the Governor of the State. If
24 a vacancy occurs between annual meetings, the board of directors may fill the

1 vacancy until the next annual meeting. All vacancies occurring on the board of
2 directors not filled by the board of directors within 30 days of the vacancy shall be
3 filled by the Governor of the State."

4 Section 2. This act is effective when it becomes law.

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1999

H

2

HOUSE BILL 652
Committee Substitute Favorable 4/1/99

Short Title: Roanoke Island Historical Assoc.

(Public)

Sponsors:

Referred to:

March 29, 1999

1 A BILL TO BE ENTITLED
2 AN ACT TO MODIFY THE MEMBERSHIP OF THE BOARD OF DIRECTORS
3 OF THE ROANOKE ISLAND HISTORICAL ASSOCIATION.
4 The General Assembly of North Carolina enacts:
5 Section 1. G.S. 143-200 reads as rewritten:
6 "**§ 143-200. Members of board of directors; terms; appointment.**
7 The governing body of ~~said~~ the Association shall be a board of directors consisting
8 of the Governor of the State, the Attorney ~~General~~ General, the Superintendent of
9 Public Instruction, and the Secretary of Cultural ~~Resources~~ Resources, or their
10 designees, as ex officio members, and the following 21 members: J. Spencer Love,
11 Greensboro; Miles Clark, Elizabeth City; Mrs. Richard J. Reynolds, Winston-Salem;
12 D. Hiden Ramsey, Asheville; Mrs. Charles A. Cannon, Concord; Dr. Fred Hanes,
13 Durham; Mrs. Frank P. Graham, Chapel Hill; Bishop Thomas C. Darst, Wilmington;
14 W. Dorsey Pruden, Edenton; John A. Buchanan, Durham; William B. Rodman, Jr.,
15 Washington; J. Melville Broughton, Raleigh; Melvin R. Daniels, Manteo; Paul Green,
16 Chapel Hill; Samuel Selden, Chapel Hill; R. Bruce Etheridge, Manteo; Theodore S.
17 Meekins, Manteo; Roy L. Davis, Manteo; M. K. Fearing, Manteo; A. R. Newsome,
18 Chapel Hill. The members of ~~said~~ the board of directors herein named other than
19 the ex officio members, shall serve for a term of two years and until their successors
20 are appointed. Appointments thereafter shall be made by the membership of the
21 Association in regular annual meeting or special meeting called for such purpose. In
22 the event the Association through its membership should fail to make such
23 appointments, then the appointments shall be made by the Governor of the State. If

1 a vacancy occurs between annual meetings, the board of directors may fill the
2 vacancy until the next annual meeting. All vacancies occurring on the board of
3 directors not filled by the board of directors within 30 days of the vacancy shall be
4 filled by the Governor of the State."

5 Section 2. This act is effective when it becomes law.

**1999 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES**

The following report(s) from standing committee(s) is/are presented:

By Representative(s) **Culpepper** for the Committee on **Rules, Calendar And Operations
Of The House.**

- Committee Substitute for
H.B. 652 A BILL TO BE ENTITLED AN ACT TO MODIFY THE MEMBERSHIP OF
THE BOARD OF DIRECTORS OF THE ROANOKE ISLAND HISTORICAL
ASSOCIATION.
- With a favorable report.
- With a favorable report and recommendation that the bill be re-referred to the Committee on
Appropriations Finance .
- With a favorable report, as amended.
- With a favorable report, as amended, and recommendation that the bill be re-referred to the
Committee on Appropriations Finance .
- With a favorable report as to committee substitute bill (~~#~~), which changes the title,
unfavorable as to (original bill) (~~Committee Substitute Bill #~~), (and recommendation
that the committee substitute bill # ~~be re-referred to the Committee on~~)
- With a favorable report as to House committee substitute bill (#), which changes
the title, unfavorable as to Senate committee substitute bill.
- With an unfavorable report.
- With recommendation that the House concur.
- With recommendation that the House do not concur.
- With recommendation that the House do not concur; request conferees.
- With recommendation that the House concur; committee believes bill to be material.
- With an unfavorable report, with a Minority Report attached.
- Without prejudice.
- With an indefinite postponement report.
- With an indefinite postponement report, with a Minority Report attached.
- With recommendation that it be adopted. (HOUSE RESOLUTION ONLY)

2/24/99

FOR JOURNAL USE ONLY

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

____ The (committee substitute) bill/resolution (, as amended,) is (ordered engrossed and) re-referred to the Committee on _____.

____ The bill/resolution is re-referred to the Committee on _____.

____ On motion of (Rep. _____,) (the Chair,) the (committee substitute) bill/resolution is (ordered engrossed and) re-referred to the Committee on _____.

____ Pursuant to Rule 36(b), the (House)committee substitute bill (No. ____)/resolution is placed on the Calendar of _____. (The original bill) (House Committee Substitute Bill No. ____)/resolution is placed on the Unfavorable Calendar.

____ On motion of Rep. _____, (the rules are suspended) (Rule ____ is suspended) and the bill/resolution is placed on today's calendar. (for immediate consideration.)

____ On motion of Rep. _____, Committee Amendment No.(s) _____ is/are adopted (by EV _____).

____ On motion of Rep. _____, Committee Amendment No.(s) _____ is/are adopted (by EV _____).

____ Rep. _____ offers Amendment No. ____ which (is adopted.) (fails of adoption.) (by EV _____.) () This amendment changes the title.

____ The bill/resolution (, as amended,) passes its second reading (by following vote, ____ RC) (, by EV _____,) and (remains on the Calendar,) (and there being no objection is read a third time).

____ The bill/resolution (, as amended,) passes its third reading (by the following vote, ____ RC) (, by EV _____,) and is ordered
____ sent to the Senate.
____ without engrossment. ____ by Special message.
____ sent to the Senate for concurrence in
____ House amendment (s).
____ House committee substitute.
____ enrolled.

____ On motion of Rep. _____, the House concurs in the (material) Senate _____ (by the following vote, ____ RC) (, by EV _____,) and the bill is ordered enrolled.

AGENDA

**HOUSE COMMITTEE ON RULES, CALENDAR AND
OPERATIONS OF THE HOUSE**

**April 8, 1999
Room 421 LOB
3:25 PM**

OPENING REMARKS

Representative Culpepper, Chairman

CONSIDERATION OF BILLS

ACTION TAKEN ON BILLS

ADJOURNMENT

MINUTES OF THE COMMITTEE ON RULES, CALENDAR AND OPERATIONS OF
THE HOUSE

April 8, 1999

The Committee on Rules, Calendar and Operations of the House met on April 8, 1999 at 3:25 p.m. in Room 421 of the Legislative Office Building. The following members were present: Representatives Culpepper Chairman; Joe Hackney, Vice Chairman; Alexander, Allen, Crawford, Gibson, Gulley, Hill, Jarrell, McCombs, Michaux, Nye, Tolson and Yongue. Action was taken on the following bills:

Senate Bill 117 – AN ACT TO EXPAND THE MEMBERSHIP OF THE JOINT LEGISLATIVE COMMISSION ON GOVERNMENTAL OPERATIONS AND THE LEGISLATIVE SERVICES COMMISSION. The chairman stated that the purpose of the bill originally was to expand the membership of the Governmental/Operations Commission, but a proposed committee substitute also included expansion of the Legislative Services Commission. Representative Yongue moved that the proposed committee substitute be adopted for purposes of discussion. The motion carried. Chairman Culpepper stated that Senator Soles, the bill sponsor, would not be attending the meeting and proceeded to explain the proposed committee substitute. He also asked Linwood Jones, staff counsel, to make a few statements about the function of the Governmental/Operations Commission and the Legislative Services Commission. Mr. Jones explained that Gov/Ops monitors the Executive Branch of government and the Legislative Services Commission oversees the operations of the Legislature. Representative Michaux then made a motion that the proposed committee substitute be given a favorable report and the original bill be given an unfavorable report. He amended his motion to include two clerical amendments that Mr. Jones stated need to be made. The amended motion carried.

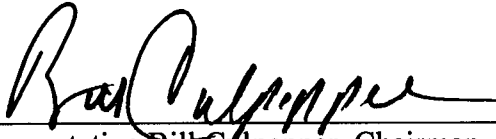
House Bill 95 – AN ACT TO MODIFY THE CONSUMER FINANCE ACT TO INCREASE THE AMOUNT OF LOANABLE ASSETS REQUIRED BEFORE AN ENTITY IS LICENSED TO ENGAGE IN BUSINESS IN THE STATE, TO REVISE THE AMOUNT OF, AND MAXIMUM RATE OF INTEREST FOR, SMALL LOANS, TO ESTABLISH A LOAN PROCESSING FEE FOR CERTAIN LOANS, TO REPEAL OBSOLETE PROVISIONS OF LAW, AND TO MAKE CONFORMING CHANGES. Representative Michaux was recognized to explain the bill. He stated that it was a small loans bill that was heard in Financial Institutions Committee and inadvertently referred to Finance because of a fee included in the bill. The chairman explained that the fee is one charged by the banks and is not a state matter. Representative Michaux moved that the bill be reported without prejudice, and the motion carried.

House Bill 772 – AN ACT RELATING TO THE GOVERNANCE OF NEW HANOVER COUNTY. Representative Wright, the bill sponsor, offered a proposed committee substitute which changed the title to AN ACT TO ESTABLISH A NO WAKE ZONE IN THE WATERS OF LEE'S CUT IN THE CITY OF WRIGHTSVILLE

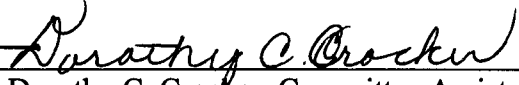
BEACH. Representative Jarrell moved for adoption of the proposed committee for purposes of discussion. The motion carried. Representative Nye made a motion that the proposed committee substitute for House Bill 772 be reported without prejudice, unfavorable to the original bill and a recommendation that it be re-referred to Committee on Local Government 1. The motion carried.

There being no further business, the meeting adjourned at 3:45 p.m.

Respectfully submitted,



Representative Bill Culpepper, Chairman



Dorothy C. Crocker, Committee Assistant

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1999

S

1

SENATE BILL 117

Short Title: Expand Membership/Gov Ops Commission.

(Public)

Sponsors: Senator Soles.

Referred to: Rules and Operations of the Senate.

February 17, 1999

A BILL TO BE ENTITLED

1 AN ACT TO EXPAND THE MEMBERSHIP OF THE JOINT LEGISLATIVE
2 COMMISSION ON GOVERNMENTAL OPERATIONS.

3 The General Assembly of North Carolina enacts:

4 Section 1. G.S. 120-74 reads as rewritten:

5 "**§ 120-74. Appointment of members; terms of office.**

6 The Commission shall consist of ~~30~~ 34 members. The President pro tempore of the
7 Senate, the Speaker pro tempore of the House, and the Majority Leader of the Senate
8 and the Speaker of the House shall serve as ex officio members of the Commission.
9 The Speaker of the House of Representatives shall appoint ~~13~~ 15 members from the
10 House. The President pro tempore of the Senate shall appoint ~~13~~ 15 members from
11 the Senate. Vacancies created by resignation or otherwise shall be filled by the
12 original appointing authority. Members shall serve two-year terms beginning and
13 ending on January 15 of the odd-numbered years, ~~except that initial appointments~~
14 ~~shall begin on July 1, 1975.~~ years. Members shall not be disqualified from completing
15 a term of service on the Commission because they fail to run or are defeated for
16 reelection. Resignation or removal from the General Assembly shall constitute
17 resignation or removal from membership on the Commission. ~~The terms of the initial~~
18 ~~members of the Commission shall expire January 15, 1977."~~

19 Section 2. The initial terms of the four additional members of the Joint
20 Legislative Commission on Governmental Operations that are added to the
21 Commission in Section 1 of this act shall begin on appointment.

22 Section 3. This act is effective when it becomes law.
23

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1999

S

D

SENATE BILL 117
Proposed House Committee Substitute S117-PCS6605-LE

Short Title: Expand Membership/Leg. Commissions.

(Public)

Sponsors:

Referred to:

February 17, 1999

1 A BILL TO BE ENTITLED

2 AN ACT TO EXPAND THE MEMBERSHIP OF THE JOINT LEGISLATIVE
3 COMMISSION ON GOVERNMENTAL OPERATIONS AND THE
4 LEGISLATIVE SERVICES COMMISSION.

5 The General Assembly of North Carolina enacts:

6 Section 1.(a) G.S. 120-74 reads as rewritten:

7 "**§ 120-74. Appointment of members; terms of office.**

8 The Commission shall consist of ~~30~~ 36 members. The President pro tempore of the
9 Senate, the Speaker pro tempore of the House, and the Deputy President pro
10 tempore of the Senate, the Majority Leader of the House of Representatives, and the
11 Majority Leader of the Senate and the Speaker of the House shall serve as ex officio
12 members of the Commission. The Speaker of the House of Representatives shall
13 appoint ~~13~~ 15 members from the House. The President pro tempore of the Senate
14 shall appoint ~~13~~ 15 members from the Senate. Vacancies created by resignation or
15 otherwise shall be filled by the original appointing authority. Members shall serve
16 two-year terms beginning and ending on January 15 of the odd-numbered ~~years,~~
17 ~~except that initial appointments shall begin on July 1, 1975.~~ years. Members shall not
18 be disqualified from completing a term of service on the Commission because they
19 fail to run or are defeated for reelection. Resignation or removal from the General
20 Assembly shall constitute resignation or removal from membership on the
21 Commission. ~~The terms of the initial members of the Commission shall expire~~
22 ~~January 15, 1977."~~

1 Section 1.(b) The initial terms of the four additional members of the
2 Joint Legislative Commission on Governmental Operations that are added to the
3 Commission in subsection (a) of this section shall begin on appointment.

4 Section 2.(a) G.S. 120-31(a) reads as rewritten:

5 "(a) The Legislative Services Commission shall consist of the President pro
6 tempore of the Senate, ~~six~~ seven Senators appointed by the President pro tempore of
7 the Senate, the Speaker of the House of Representatives, and ~~six~~ seven
8 Representatives appointed by the Speaker of the House of Representatives. The
9 President pro tempore of the Senate, and the Speaker of the House shall serve until
10 the selection and qualification of their respective successors as officers of the General
11 Assembly. The initial appointive members shall be appointed after the date of
12 ratification of this Article and each shall serve for the remainder of his elective term
13 of office and until his successor is appointed or until he ceases to be a member of the
14 General Assembly, whichever occurs first. A vacancy in one of the appointive
15 positions shall be filled in the same manner that the vacated position was originally
16 filled, and the person so appointed shall serve for the remainder of the unexpired
17 term of the person whom he succeeds. In the event the office of Speaker becomes
18 vacated, the ~~six~~ seven Representatives shall elect one of themselves to perform the
19 duties of the Speaker as required by this Article. In the event the office of President
20 pro tempore becomes vacated, the ~~six~~ seven Senators shall elect one of themselves to
21 perform the duties of President pro tempore as required by this Article. Members so
22 elevated shall perform the duties required by this Article until a Speaker or a
23 President pro tempore is duly elected by the appropriate house."

24 Section 2.(b) The initial terms of the two additional members of the
25 Legislative Services Commission that are added to the Commission in subsection (a)
26 of this section shall begin on appointment.

27 Section 3. This act is effective when it becomes law.

NORTH CAROLINA GENERAL ASSEMBLY AMENDMENT

(Please type or use ballpoint pen)

EDITION No. _____

H. B. No. _____

S. B. No. 117

DATE 7/21/99

Amendment No. 1

(to be filled in by
Principal Clerk)

House COMMITTEE SUBSTITUTE X

Rep.) JINSKO

Sen.) _____

3

16

1 moves to amend the bill on page _____, line _____

2 () WHICH CHANGES THE TITLE

3 by adding the following between lines 16 and 17:

4 "Section 7.1. If ~~the~~ Senate Bill 968
5 becomes law then the amendments made by that
6 ~~act~~ act of G.S. (43-53(a)(1), 142-53(a)(3)
7 and 143-57 do not apply to Special
8 Responsibility Constituent Institutions
9 as designated by the Board of Governors
10 of The University of North Carolina
11 pursuant to G.S. 116-30.1."
12
13
14
15
16
17
18
19

SIGNED Jula Insko

ADOPTED 97-1 EV FAILED _____ TABLED _____

JUL 21 1999
Denise DeLoach

1999 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES

tc

The following report(s) from standing committee(s) is/are presented:

By Representative(s) **Culpepper** for the Committee on **RULES, CALENDAR AND OPERATIONS OF THE House.**

Committee Substitute for
S.B. 117 A BILL TO BE ENTITLED AN ACT TO EXPAND THE MEMBERSHIP OF
THE JOINT LEGISLATIVE COMMISSION ON GOVERMENTAL OPERATIONS.

- With a favorable report.
- With a favorable report and recommendation that the bill be re-referred to the Committee on Appropriations Finance .
- With a favorable report, as amended.
- With a favorable report, as amended, and recommendation that the bill be re-referred to the Committee on Appropriations Finance .
- With a favorable report as to ^{HOUSE} committee substitute bill (~~#~~), which changes the title, unfavorable as to (original bill) (~~Committee Substitute Bill #~~), (and recommendation that the committee substitute bill # ~~be re-referred to the Committee on~~)
- With a favorable report as to House committee substitute bill (#), which changes the title, unfavorable as to Senate committee substitute bill.
- With an unfavorable report.
- With recommendation that the House concur.
- With recommendation that the House do not concur.
- With recommendation that the House do not concur; request conferees.
- With recommendation that the House concur; committee believes bill to be material.
- With an unfavorable report, with a Minority Report attached.
- Without prejudice.
- With an indefinite postponement report.
- With an indefinite postponement report, with a Minority Report attached.
- With recommendation that it be adopted. (HOUSE RESOLUTION ONLY)

2/24/99

OVER

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1999

H

1

HOUSE BILL 95

Short Title: Small Loan Revisions.

(Public)

Sponsors: Representatives Michaux; and Luebke.

Referred to: Financial Institutions, if favorable, Finance.

February 17, 1999

1 A BILL TO BE ENTITLED
2 AN ACT TO MODIFY THE CONSUMER FINANCE ACT TO INCREASE THE
3 AMOUNT OF LOANABLE ASSETS REQUIRED BEFORE AN ENTITY IS
4 LICENSED TO ENGAGE IN BUSINESS IN THE STATE, TO REVISE THE
5 AMOUNT OF, AND MAXIMUM RATE OF INTEREST FOR, SMALL LOANS,
6 TO ESTABLISH A LOAN PROCESSING FEE FOR CERTAIN LOANS, TO
7 REPEAL OBSOLETE PROVISIONS OF LAW, AND TO MAKE
8 CONFORMING CHANGES.

9 The General Assembly of North Carolina enacts:

10 Section 1. G.S. 53-168 reads as rewritten:

11 "§ 53-168. License required; showing of convenience, advantage and financial
12 responsibility; investigation of applicants; hearings; existing businesses; contents of
13 license; transfer; posting.

14 (a) Necessity for License; Prerequisites to Issuance. -- No person shall engage in or
15 offer to engage in the business regulated by this Article unless and until a license has
16 been issued by the Commissioner of Banks, and the Commissioner shall not issue any
17 such license unless and until ~~he~~ the Commissioner finds:

18 (1) That authorizing the applicant to engage in such business will
19 promote the convenience and advantage of the community in
20 which the applicant proposes to engage in business; and

21 (2) That the financial responsibility, experience, character and general
22 fitness of the applicant are such as to command the confidence of
23 the public and to warrant the belief that the business will be

1 operated lawfully and fairly, within the purposes of this Article;
2 and

3 (3) That the applicant has available for the operation of such business
4 at the specified location loanable assets of at least ~~twenty-five~~
5 ~~thousand dollars (\$25,000)~~; fifty thousand dollars (\$50,000).

6 (b) Investigation of Applicants. -- Upon the receipt of an application, the
7 Commissioner shall investigate the facts. If the Commissioner determines from such
8 preliminary investigation that the applicant does not satisfy the conditions set forth in
9 subsection (a), ~~he~~ the Commissioner shall so notify the applicant who shall then be
10 entitled to an informal hearing thereon provided he so requests in writing within 30
11 days after the Commissioner has caused the above-referred to notification to be
12 mailed to the applicant. In the event of a hearing, to be held in the offices of the
13 Commissioner of Banks in Raleigh, the Commissioner shall reconsider the application
14 and, after the hearing, issue a written order granting or denying such application. At
15 the time of making such application, the applicant shall pay the Banking Department
16 the sum of two hundred fifty dollars (\$250.00) as a fee for investigating the
17 application, which shall be retained irrespective of whether or not a license is granted
18 the applicant.

19 ~~(e) Existing Business. -- Notwithstanding the provisions of this section, any person,~~
20 ~~firm or corporation which, on December 31, 1973, was a licensee under this Article~~
21 ~~either as a licensee to make loans under the provisions of G.S. 53-173 or as a motor~~
22 ~~vehicle lender under G.S. 53-176.1, may surrender such license to the Commissioner~~
23 ~~within 90 days after May 25, 1974, and elect to become a licensee to make loans~~
24 ~~under either G.S. 53-173 or 53-176.1 but not both. Such license shall be issued by the~~
25 ~~Commissioner without further application or investigation and the licensee shall be~~
26 ~~deemed a licensee under the category that it elects upon the surrender of its current~~
27 ~~license and the election.~~

28 (d) Required Assets Available. -- Each licensee shall continue at all times to have
29 available for the operation of the business at the specified location loanable assets of
30 at least ~~twenty-five thousand dollars (\$25,000)~~; fifty thousand dollars (\$50,000). The
31 requirements and standards of this subsection and subsection (a)(2) of this section
32 shall be maintained throughout the period of the license and failure to maintain such
33 requirements or standards shall be grounds for the revocation of a license under the
34 provisions of G.S. 53-171 of this Article.

35 (e) License, Posting, Continuing. -- Each license shall state the address at which
36 the business is to be conducted and shall state fully the name of the licensee, and if
37 the licensee is a copartnership, or association, the names of the members thereof, and
38 if a corporation, the date and place of its incorporation. Transfer or assignment of a
39 license by one person to another by sale or otherwise is prohibited without the prior
40 approval of the Commissioner. Each license shall be kept posted in the licensed place
41 of business. Each license shall remain in full force and effect until surrendered,
42 revoked, or suspended as hereinafter provided."

43 Section 2. G.S. 53-173 reads as rewritten:

1 **"§ 53-173. Maximum rate of ~~charge, interest and fee~~; computation of ~~charges, interest~~;**
2 **limitation on interest after judgment; limitation on interest after maturity of the loan.**

3 (a) **Maximum Rate of ~~Charge, Interest~~.** -- Every licensee hereunder may contract
4 for, compute, and receive on any loan of money, not exceeding ~~three thousand~~
5 ~~dollars (\$3,000)~~ six thousand dollars (\$6,000) in amount, ~~charges interest~~ at rates not
6 exceeding ~~thirty-six percent (36%)~~ thirty percent (30%) per annum on that part of
7 the unpaid principal balance of any loan not in excess of ~~six hundred dollars~~
8 ~~(\$600.00)~~ and ~~fifteen percent (15%)~~ one thousand eight hundred dollars (\$1,800) and
9 eighteen percent (18%) per annum on any remainder of such unpaid principal
10 balance. Interest shall be contracted for and collected at the single simple interest
11 rate applied to the outstanding balance that would earn the same amount of interest
12 as the above rates for payment according to schedule.

13 (a1) **Maximum Fee.** -- In addition to the interest authorized in subsection (a) of
14 this section, a licensee making loans under this section may collect from the borrower
15 a fee for processing the loan equal to five percent (5%) of the cash advance, not to
16 exceed twenty-five dollars (\$25.00).

17 (b) **Computation of ~~Charges, Interest~~.** -- ~~Charges Interest~~ on loans made pursuant
18 to this section shall not be paid, deducted, or received in advance. Such ~~charges~~
19 interest shall not be compounded but ~~charges interest~~ on loans shall (i) be computed
20 and paid only as a percentage of the unpaid principal balance or portion thereof and
21 (ii) computed on the basis of the number of days actually elapsed; provided, however,
22 if part or all of the consideration for a loan contract is the unpaid principal balance
23 of a prior loan, then the principal amount payable under the loan contract may
24 include any unpaid ~~charges interest~~ on the prior loan which have accrued within 90
25 days before the making of the new loan contract. For the purpose of computing
26 ~~charges, interest~~, a day shall equal 1/365th of a year. Any payment made on a loan
27 shall be applied first to any accrued interest and then to principal, and any portion or
28 all of the principal balance may be prepaid at any time without penalty.

29 (c) **Limitation on Interest after Judgment.** -- If judgment be obtained against any
30 party on any loan made under the provisions of this section neither the judgment nor
31 the loan shall carry, from the date of the judgment, any interest in excess of eight
32 percent (8%) per annum.

33 (d) **Limitation of Interest after Maturity of Loan.** -- After the maturity date of any
34 loan contract made under the provisions of this section and until the loan contract is
35 paid in full by cash, new loan, refinancing or otherwise, no charges other than
36 interest at eight percent (8%) per annum shall be computed or collected from any
37 party to the loan upon the unpaid principal balance of the loan.

38 (e) Repealed by Session Laws 1989, c. 17, s. 3.

39 (f) ~~Subject to the limitations contained in this Article as to maximum rates, the~~
40 ~~Commission may from time to time, upon the basis of changed conditions or facts,~~
41 ~~redetermine and refix any such maximum rates of charge, but, before determining or~~
42 ~~redetermining any such maximum rates, the Commission shall give reasonable notice~~
43 ~~of its intention to consider doing so to all licensees and a reasonable opportunity to~~
44 ~~be heard and introduce evidence with respect thereto. The notice herein required~~

1 ~~may be given by mailing such notice to the offices of the licensees as shown in the~~
2 ~~records of the Commissioner of Banks. Any such changed maximum rates of charge~~
3 ~~shall not affect preexisting loan contracts lawfully entered into between any licensee~~
4 ~~and any borrower."~~

5 Section 3. G.S. 53-165(a) reads as rewritten:

6 "(a) 'Amount of the loan' shall mean the aggregate of the cash advance and the
7 ~~charges~~ interest authorized by G.S. 53-173."

8 Section 4. This act becomes effective October 1, 1999, and applies to
9 loans made on or after that date.

**1999 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES**

The following report(s) from standing committee(s) is/are presented:

By Representative(s) **Bill Culpepper** for the Committee on **Rules, Calendar and Operations of the House.**

- Committee Substitute for
H.B. 95 A BILL TO BE ENTITLED AN ACT TO MODIFY THE CONSUMER FINANCE ACT TO INCREASE THE AMOUNT OF LOANABLE ASSETS REQUIRED BEFORE AN ENTITY IS LICENSED TO ENGAGE IN BUSINESS IN THE STATE, TO REVISE THE AMOUNT OF, AND MAXIMUM RATE OF INTEREST FOR, SMALL LOANS, TO ESTABLISH A LOAN PROCESSING FEE FOR CERTAIN LOANS, TO REPEAL OBSOLETE PROVISIONS OF LAW, AND TO MAKE CONFORMING CHANGES.
- With a favorable report.
- With a favorable report and recommendation that the bill be re-referred to the Committee on Appropriations Finance .
- With a favorable report, as amended.
- With a favorable report, as amended, and recommendation that the bill be re-referred to the Committee on Appropriations Finance .
- With a favorable report as to committee substitute bill (#), which changes the title, unfavorable as to (original bill) (Committee Substitute Bill #), (and recommendation that the committee substitute bill #) be re-referred to the Committee on .)
- With a favorable report as to House committee substitute bill (#), which changes the title, unfavorable as to Senate committee substitute bill.
- With an unfavorable report.
- With recommendation that the House concur.
- With recommendation that the House do not concur.
- With recommendation that the House do not concur; request conferees.
- With recommendation that the House concur; committee believes bill to be material.
- With an unfavorable report, with a Minority Report attached.
- Without prejudice.
- With an indefinite postponement report.
- With an indefinite postponement report, with a Minority Report attached.
- With recommendation that it be adopted. (HOUSE RESOLUTION ONLY)

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1999

H

1

HOUSE BILL 772

Short Title: New Hanover Local Act-2.

(Local)

Sponsors: Representative Wright.

Referred to: Rules, Calendar and Operations of the House.

March 31, 1999

1

A BILL TO BE ENTITLED

2 AN ACT RELATING TO THE GOVERNANCE OF NEW HANOVER COUNTY.

3 The General Assembly of North Carolina enacts:

4 Section 1. This act applies to New Hanover County only.

5 Section 2. This act is effective when it becomes law.

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1999

H

D

HOUSE BILL 772
PROPOSED COMMITTEE SUBSTITUTE
H772-CSRN-001

Short Title: Wrightsville Beach No Wake Zone (Local)

Sponsors:

Referred to: Rules, Calendar and Operations of the House.

March 31, 1999

1 A BILL TO BE ENTITLED
2 AN ACT TO ESTABLISH A NO WAKE ZONE IN THE WATERS OF LEE'S CUT IN
3 THE CITY OF WRIGHTSVILLE BEACH.
4 The General Assembly of North Carolina enacts:
5 Section 1. It is unlawful to operate a vessel at
6 greater than no-wake speed in the waters of Lee's Cut in the Town
7 of Wrightsville Beach in New Hanover County. No-wake speed is
8 idle speed or a slow speed creating no appreciable wake.
9 Section 2. The Town of Wrightsville Beach or its
10 designee may place and maintain markers in accordance with the
11 Uniform Waterway Marking System and any supplementary standards
12 for that system adopted by the Wildlife Resources Commission.
13 All markers of the no-wake speed zone shall be buoys or floating
14 signs placed in the water and must be in sufficient number and
15 size to give adequate warning of the no-wake speed zone to
16 vessels approaching from various directions.
17 Section 3. Violation of this act is a Class 3
18 misdemeanor.
19 Section 4. This act is enforceable under G.S. 75A-17 as
20 if it were a provision of Chapter 75A of the General Statutes.

1 Section 5. This act is effective when it becomes law,
2 and is enforceable after markers complying with Section 2 of this
3 act are placed in the water to mark the no wake zone.

**1999 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES**

The following report(s) from standing committee(s) is/are presented:

By Representative(s) **Bill Culpepper** for the Committee on **Rules, Calendar and Operations of the House.**

Committee Substitute for
H.B. 772 A BILL TO BE ENTITLED AN ACT RELATING TO THE GOVERNANCE OF
NEW HANOVER COUNTY.

- With a favorable report.
- With a favorable report and recommendation that the bill be re-referred to the Committee on Appropriations Finance .
- With a favorable report, as amended.
- With a favorable report, as amended, and recommendation that the bill be re-referred to the Committee on Appropriations Finance .
- Without prejudice* ~~With a favorable report~~ as to committee substitute bill (~~#~~), which changes the title, unfavorable as to ~~(original bill) (Committee Substitute Bill #~~), (and recommendation that the committee substitute bill ~~#~~) be re-referred to the Committee on Local Government 1.)
- With a favorable report as to House committee substitute bill (#) , which changes the title, unfavorable as to Senate committee substitute bill.
- With an unfavorable report.
- With recommendation that the House concur.
- With recommendation that the House do not concur.
- With recommendation that the House do not concur; request conferees.
- With recommendation that the House concur; committee believes bill to be material.
- With an unfavorable report, with a Minority Report attached.
- Without prejudice.
- With an indefinite postponement report.
- With an indefinite postponement report, with a Minority Report attached.
- With recommendation that it be adopted. (HOUSE RESOLUTION ONLY)

2/24/99

AGENDA

**HOUSE COMMITTEE ON RULES, CALENDAR AND
OPERATIONS OF THE HOUSE**

**April 14, 1999
Room 421 LOB
1:10 PM**

OPENING REMARKS

Representative Culpepper, Chairman

CONSIDERATION OF BILLS

ACTION TAKEN ON BILLS

ADJOURNMENT

MINUTES OF THE COMMITTEE ON RULES, CALENDAR AND OPERATIONS OF
THE HOUSE

April 14, 1999

The Committee on Rules, Calendar and Operations of the House met on April 14, 1999 at 1:10 p.m. in Room 421 of the Legislative Office Building. The following members were present: Representatives Culpepper, Chairman; Hackney, Vice Chairman; Alexander, Allen, Boyd-McIntyre, Crawford, Gulley, Hill, Jarrell, Luebke, McCombs, McMahan, Nye, Ramsey, Tolson Yongue, and Andy Dedmon and Pete Cunningham, ex officio members.

The following bills were considered:

HOUSE BILL 18-AN ACT TO PROVIDE THAT CRIMINAL PENALTIES IN TAX CASES SHALL BE REMITTED TO THE SCHOOL FUND OF THE COUNTY IN WHICH THE VIOLATION OCCURRED. Representative McCombs, bill sponsor, was recognized to present the bill. Representative McCombs stated that prosecution of criminal tax cases usually take place in Wake County, consequently Wake County receives the proceeds of most criminal tax cases that result in a fine, and it is his opinion that the proceeds of any fines should be remitted to the county in which the violation occurred as determined by the court. There was opposition to the bill by Sabre Faires with the Department of Revenue and Colon Willoughby, Wake County District Attorney, and the chairman ruled that there would be no voted taken and that he would consider appointing a subcommittee to study the bill.

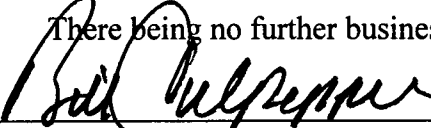
HOUSE BILL 234- AN ACT TO PROVIDE THAT MEMBERS OF CITY AND COUNTY BOARDS AND COMMISSIONS MUST BE REGISTERED VOTERS IN NORTH CAROLINA. The chairman recognized Representative Walend, bill sponsor, who stated that the bill requires that appointees to city and county boards and local committees be citizens of the United States and be registered to vote in North Carolina. Representative Cunningham moved to give the bill an unfavorable report which the chairman did not accept. Following concerns expressed by committee members, the chairman stated that the bill was well intended but may be a little too broad. Representative Cunningham withdrew his motion, and the chairman agreed that the bill needed further study.


HOUSE BILL 235-AN ACT TO CREATE THE FEDERAL FUNDS OVERSIGHT COMMITTEE TO IMPLEMENT A 1998 BUDGET PROVISION CONCERNING OVERSIGHT OF FEDERAL GRANTS. Representative Davis, bill sponsor, was recognized and stated that the bill is a result of a study commission pertaining to federal funding. He thought that the General Assembly should approve all expenditures made by the state and assure accountability of all funds that come into the state. He requested Gerry Cohen, Director of Bill Drafting, to speak. Mr. Cohen answered questions by committee members. Representative Hackney moved that the bill

be reported without prejudice and be re-referred to the Committee on Appropriations.
The motion carried.

HOUSE BILL 888-A HOUSE RESOLUTION HONORING THE TOWN OF LATTIMORE UPON ITS ONE HUNDREDTH ANNIVERSARY AND HONORING ITS FOUNDER, THE HONORABLE AUDLEY M. LATTIMORE sponsored by Representatives Dedmon, Horn and Clary. Representative Dedmon offered a proposed committee substitute and Representatives Alexander and Representative Yongue jointly moved that the proposed committee substitute for the resolution be adopted, unfavorable as to the original resolution. The motion carried.

There being no further business, the meeting adjourned at 1:45 p.m.


Representative Bill Culpepper, Chairman


Dorothy C. Crocker, Committee Assistant

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1999

H

1

HOUSE BILL 18

Short Title: Criminal Tax Penalty to Home County.

(Public)

Sponsors: Representatives McCombs; Mitchell, Owens, Preston, Culp, and Rogers.

Referred to: Rules, Calendar and Operations of the House.

February 3, 1999

1 A BILL TO BE ENTITLED
2 AN ACT TO PROVIDE THAT CRIMINAL PENALTIES IN TAX CASES SHALL
3 BE REMITTED TO THE SCHOOL FUND OF THE COUNTY IN WHICH THE
4 VIOLATION OCCURRED.
5 The General Assembly of North Carolina enacts:
6 Section 1. G.S. 115C-452 reads as rewritten:
7 "**§ 115C-452. Fines and forfeitures.**
8 (a) The clear proceeds of all penalties and forfeitures and of all fines collected in
9 the General Court of Justice in each county shall be remitted by the clerk of the
10 superior court to the county finance ~~officer who shall forthwith~~ officer.
11 (b) In the case of a criminal violation involving taxes imposed under Chapter 105
12 of the General Statutes which is not instituted in the county in which the violation
13 occurred, the trial judge shall determine the county or counties in which the violation
14 occurred. The clerk shall then remit the clear proceeds of the fine to the finance
15 officer of the county or counties in which the violation occurred as determined by the
16 trial judge.
17 (c) Upon receipt of funds under this section, the county finance officer shall
18 determine what portion of the total is due to each local school administrative unit in
19 the county and remit the appropriate portion of the amount to the finance officer of
20 each local school administrative unit. Fines and forfeitures shall be apportioned
21 according to the projected average daily membership of each local school
22 administrative unit as determined by and certified to the local school administrative

1 units and the board of county commissioners by the State Board of Education
2 pursuant to G.S. 115C-430."
3 Section 2. This act becomes effective December 1, 1999, and applies to
4 fines imposed on or after that date.

CRIMINAL INVESTIGATIONS DIVISION

CRIMINAL FINES

COUNTY	1996		1997		1998		TOTALS	
Alamance								
Alexander								
Alleghany								
Anson								
Ashe								
Avery								
Beaufort								
Bertie								
Bladen								
Brunswick								
Buncombe			(3)	10,000.00	(2)	10,000.00	(5)	20,000.00
Burke	(2)	15,000.00	(1)	3,000.00			(3)	18,000.00
Cabarrus								
Caldwell	(1)	1,000.00	(1)	10,000.00	(1)	2,000.00	(3)	13,000.00
Camden								
Carteret					(1)	500.00	(1)	500.00
Caswell								
Catawba					(2)	7,500.00	(2)	7,500.00
Chatham								
Cherokee								
Chowan			(1)	1,000.00			(1)	1,000.00
Clay								
Cleveland								
Columbus	(1)	2,500.00					(1)	2,500.00
Craven			(1)	400.00			(1)	400.00
Cumberland	(1)	10,000.00	(1)	25,000.00	(1)	0.00	(3)	35,000.00
Currituck								
Dare								
Davidson					(1)	0.00	(1)	0.00
Davie								
Duplin	(2)	10,000.00					(2)	10,000.00
Durham	(3)	350.00			(3)	37,000.00	(6)	37,350.00
Edgecombe								
Forsyth	(2)	16,000.00			(1)	9,000.00	(3)	25,000.00
Franklin								

CRIMINAL INVESTIGATIONS DIVISION

CRIMINAL FINES

COUNTY	1996	1997	1998	TOTALS
Gaston				
Gates				
Graham				
Granville				
Greene				
Guilford			(2) 7,500.00	(2) 7,500.00
Halifax				
Harnett				
Haywood				
Henderson				
Hertford			(2) 1,500.00	(2) 1,500.00
Hoke				
Hyde				
Iredell		(1) 1,500.00		(1) 1,500.00
Jackson				
Johnson				
Jones				
Lee				
Lenoir				
Lincoln				
Macon				
Madison				
Martin				
McDowell			(1) 12,000.00	(1) 12,000.00
Mecklenburg	(3) 8,300.00	(1) 13,000.00	(3) 7,000.00	(7) 28,300.00
Mitchell				
Montgomery				
Moore				
Nash	(1) 10,000.00		(1) 1,500.00	(2) 11,500.00
New Hanover	(1) 0.00			(1) 0.00
Northampton				
Onslow			(2) 7,500.00	(2) 7,500.00
Orange				
Pamlico				
Pasquotank				

CRIMINAL INVESTIGATIONS DIVISION

CRIMINAL FINES

COUNTY	1996	1997	1998	TOTALS
Pender				
Perquimans				
Person				
Pitt			(1) 10,000.00	(1) 10,000.00
Polk				
Randolph		(1) 0.00	(1) 0.00	(2) 0.00
Richmond				
Robeson				
Rockingham				
Rowan				
Rutherford			(1) 2,500.00	(1) 2,500.00
Sampson				
Scotland				
Stanley				
Stokes				
Surry				
Swain				
Transylvania				
Tyrrell				
Union		(1) 0.00		(1) 0.00
Vance				
Wake	(2) 200.00	(5) 37,000.00		(7) 37,200.00
Warren				
Washington				
Watauga				
Wayne	(3) 6,000.00			(3) 6,000.00
Wilkes	(1) 5,000.00			(1) 5,000.00
Wilson				
Yadkin				
Yancey				
Out of State	(5) 38,150.00			(5) 38,150.00
TOTALS	(28) 122,500.00	(17) 100,900.00	(26) 115,500.00	(71) 338,900.00

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1999

H

1

HOUSE BILL 234

Short Title: Local Appointees Must Be Voters.

(Public)

Sponsors: Representatives Walend, Sherrill, Cansler; Clary, Decker, Gardner, Gillespie, Setzer, and Teague.

Referred to: Rules, Calendar and Operations of the House.

March 4, 1999

1 A BILL TO BE ENTITLED
2 AN ACT TO PROVIDE THAT MEMBERS OF CITY AND COUNTY BOARDS
3 AND COMMISSIONS MUST BE REGISTERED VOTERS IN NORTH
4 CAROLINA.

5 The General Assembly of North Carolina enacts:

6 Section 1. Chapter 128 of the General Statutes is amended by adding a
7 new section to read:

8 "§ 128-9.1. City and county board members must be registered voters.

9 An appointed member of any city or county board, commission, committee,
10 council, or other subdivision of a city or county must be a citizen of the United
11 States and either be:

12 (1) A registered voter in North Carolina; or

13 (2) If ineligible for registration solely because of age, a resident of that
14 county or the county in which the city is located."

15 Section 2. This act becomes effective with respect to appointments made
16 on or after October 1, 1999. It does not affect the right of any person appointed prior
17 to that date from completing the term of office or being reappointed to continue to
18 serve in the same office.

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1999

H

1

HOUSE BILL 235

Short Title: Federal Funds Oversight Committee.

(Public)

Sponsors: Representatives Davis, Hill; Baker, Barbee, Brown, Brubaker, Buchanan, Cansler, Capps, Culp, Daughtry, Eddins, Gardner, Gulley, Howard, Justus, Kiser, McCombs, Mitchell, Morris, Rayfield, Sexton, Starnes, Tallent, G. Wilson, Womble, and Wood.

Referred to: Rules, Calendar and Operations of the House.

March 4, 1999

1 A BILL TO BE ENTITLED
2 AN ACT TO CREATE THE FEDERAL FUNDS OVERSIGHT COMMITTEE TO
3 IMPLEMENT A 1998 BUDGET PROVISION CONCERNING OVERSIGHT OF
4 FEDERAL GRANTS.

5 The General Assembly of North Carolina enacts:

6 Section 1. G.S. 143-16.1, as amended by Section 7.2 of S.L. 1998-212,
7 reads as rewritten:

8 "§ 143-16.1. Federal funds.

9 (a) All federal funds shall be expended and reported in accordance with
10 provisions of the Executive Budget Act, except as otherwise provided by law.
11 Proposed budgets recommended to the General Assembly by the Governor and
12 Advisory Budget Commission shall include information concerning the federal
13 expenditures in State agencies, departments and institutions in the same manner as
14 State funds. Each budgetary category shall show the total received and anticipated
15 State and federal expenditures, along with a description of the purpose for which the
16 federal funds will be spent at the program level. All expenditures for the prior fiscal
17 year and all expenditures anticipated in the proposed budget shall be reported by
18 objects of expenditure by purpose and shall be identified by each federal grant. For
19 the purpose of this section, 'federal funds' are any financial assistance made to a
20 State agency by the United States government, whether a loan, grant, subsidy,
21 augmentation, reimbursement, or any other form. The Director of the Budget may

1 adopt rules and regulations establishing uniform planning, budgeting and fiscal
2 procedures, not inconsistent with federal law, that ensure that all federal funds shall
3 be expended in a standardized manner. The function of the Advisory Budget
4 Commission under this section applies only if the Director of the Budget consults
5 with the Commission in preparation of the budget.

6 (b) The Secretary of each State agency that receives and administers federal Block
7 Grant funds shall prepare and submit the agency's Block Grant plans to the Fiscal
8 Research Division of the General Assembly not later than April 20 of each fiscal
9 year. The agency shall submit a separate Block Grant plan for each Block Grant
10 received and administered by the agency, and each plan shall include, but not be
11 limited to, the following:

- 12 (1) A delineation of the proposed dollar amount allocations by activity
13 and by category, including dollar amounts to be used for
14 administrative costs; and
15 (2) A comparison of the proposed funding with two prior years'
16 program budgets.

17 The Director of the Budget shall review for accuracy, consistency, and uniformity
18 each State agency's Block Grant plans prior to submission of the plans to the General
19 Assembly.

20 (c) No federal grant concerning the subject areas of social services, health, or
21 elementary or secondary education may be accepted or expended without the
22 approval of the General Assembly, except those relating to:

- 23 (1) Unanticipated disasters such as floods, hurricanes, or tornadoes; or
24 (2) Research grants within The University of North Carolina or
25 community college systems.

26 (d) There is created the Federal Funds Oversight Committee within the Legislative
27 Branch. The Committee shall consist of nine members, three members of the House
28 of Representatives appointed by the Speaker of the House of Representatives and one
29 appointed by the Minority Leader, three Senators appointed by the President Pro
30 Tempore of the Senate and one appointed by the Minority Leader, and one person
31 appointed by the Governor. Members shall serve terms expiring 15 days after
32 convening of the next regular session of the General Assembly after appointment.

33 The President Pro Tempore of the Senate and the Speaker of the House of
34 Representatives shall each designate a cochair of the Committee. The Committee
35 shall meet at least once a quarter and may meet at other times upon the joint call of
36 the cochairs.

37 A quorum of the Committee is five members. While in the discharge of its official
38 duties, the Committee has the powers of a joint committee under G.S. 120-19 and
39 G.S. 120-19.1 through G.S. 120-19.4.

40 Members of the Committee receive subsistence and travel expenses as provided by
41 law. The Committee may contract for consultants or hire employees in accordance
42 with G.S. 120-32.02. The Legislative Services Commission, through the Legislative
43 Services Officer, shall assign professional staff to assist the Committee in its work.
44 Upon the direction of the Legislative Services Commission, the Supervisors of Clerks

1 of the Senate and of the House of Representatives shall assign clerical staff to the
2 Committee.

3 (e) No federal grant may be applied for, accepted, or expended by the State of
4 North Carolina unless a report of the proposal is transmitted to the Federal Funds
5 Oversight Committee prior to application being made. This subsection applies
6 whether or not legislative approval is required under subsection (c) of this section.
7 This section does not apply to any grants made to a city, county, or other unit of
8 local government other than a school administrative unit.

9 (f) If the General Assembly is not in session, and the Governor determines that
10 prompt action is required for acceptance or expenditure of any federal grant for
11 which legislative approval is required under subsection (c) of this section, the
12 Governor may call an extra session of the General Assembly as allowed by the
13 Constitution.

14 (g) The purpose of this section is to ensure that the General Assembly carries out
15 its constitutional duty of approving all expenditures made by the State, so as to
16 ensure accountability. Oversight by the representatives of the people of the cost of
17 government is an essential component of any democratic system. The current
18 absence of legislative accountability in the expenditure of federal funds is an
19 unacceptable state of affairs in light of the State constitutional requirement that no
20 expenditures be made from the public treasury but in consequence of appropriations
21 made by the General Assembly."

22 Section 2. This act is effective when it becomes law.

**1999 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES**

The following report(s) from standing committee(s) is/are presented:

By Representative(s) **Culpepper** for the Committee on **Rules, Calendar and Oerations of the House.**

- Committee Substitute for
H.B. 235 A BILL TO BE ENTITLED AN ACT TO CREATE THE FEDERAL FUNDS
OVERSIGHT COMMITTEE TO IMPLEMENT A 1998 BUDGET PROVISION
CONCERNING OVERSIGHT OF FEDERAL GRANTS.
- With a favorable report.
- Without prejudice, and recommendation that the bill be re-referred to the Committee on
Appropriations Finance .
- With a favorable report, as amended.
- With a favorable report, as amended, and recommendation that the bill be re-referred to the
Committee on Appropriations Finance .
- With a favorable report as to committee substitute bill (#), which changes the title,
unfavorable as to (original bill) (Committee Substitute Bill #), (and recommendation
that the committee substitute bill #) be re-referred to the Committee on .)
- With a favorable report as to House committee substitute bill (#), which changes
the title, unfavorable as to Senate committee substitute bill.
- With an unfavorable report.
- With recommendation that the House concur.
- With recommendation that the House do not concur.
- With recommendation that the House do not concur; request conferees.
- With recommendation that the House concur; committee believes bill to be material.
- With an unfavorable report, with a Minority Report attached.
- Without prejudice.
- With an indefinite postponement report.
- With an indefinite postponement report, with a Minority Report attached.
- With recommendation that it be adopted. (HOUSE RESOLUTION ONLY)

2/24/99

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1999

H

1

HOUSE RESOLUTION 888*

Sponsors: Representatives Dedmon, Horn, and Clary.

Referred to: Rules, Calendar and Operations of the House.

April 1, 1999

1 A HOUSE RESOLUTION HONORING THE TOWN OF LATTIMORE UPON ITS
2 ONE HUNDREDTH ANNIVERSARY AND HONORING ITS FOUNDER, THE
3 HONORABLE AUDLEY M. LATTIMORE.

4 Whereas, the General Assembly incorporated the Town of Lattimore in
5 Cleveland County on February 13, 1899; and

6 Whereas, the Town of Lattimore is named for Audley M. Lattimore, a
7 veteran of the War Between the States and the Town's first postmaster; and

8 Whereas, the citizens of the Town of Lattimore have prepared a year-
9 long celebration commemorating the Town's 100th anniversary; and

10 Whereas, special anniversary events include a reenactment of the Town's
11 first town council meeting, a daylong reunion of Lattimore School alumni, displays of
12 memorabilia, and other historical programs; and

13 Whereas, Lattimore's 100th anniversary and Audley M. Lattimore's
14 contributions to the development of the Town are worthy of celebration and should
15 be enjoyed and supported by all of North Carolina's citizens; Now, therefore,
16 Be it resolved by the House of Representatives:

17 Section 1. The House of Representatives honors Audley M. Lattimore
18 and joins Lattimore's citizens in celebrating the Town's 100th anniversary.

19 Section 2. The Principal Clerk shall transmit a certified copy of this
20 resolution to the Mayor and Town Manager of the Town of Lattimore.

21 Section 3. This resolution is effective upon adoption.

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1999

H

D

HOUSE RESOLUTION 888*
Proposed Committee Substitute H888-PCS7134-LG

Sponsors:

Referred to:

April 1, 1999

1 A HOUSE RESOLUTION HONORING THE TOWN OF LATTIMORE UPON ITS
2 ONE HUNDREDTH ANNIVERSARY AND HONORING ITS FOUNDER, THE
3 HONORABLE AUDLEY M. LATTIMORE.

4 Whereas, the Town of Lattimore in Cleveland County began as a village
5 around 1886 and consisted of four houses located near the site of the crossing of two
6 railroads, the CCC (Charleston, Cincinnati, and Chicago) which is now the Southern
7 Railway and the Carolina Central which is now part of the CSX system; and

8 Whereas, Representative Clyde R. Hoey, who later became Governor of
9 North Carolina and served as a member of the United States Senate, introduced a bill
10 to incorporate the Town of Lattimore; and

11 Whereas, the General Assembly incorporated the Town of Lattimore on
12 February 13, 1899; and

13 Whereas, the Town of Lattimore is named for Audley M. Lattimore, a
14 veteran of the War Between the States and the Town's first postmaster; and

15 Whereas, the citizens of the Town of Lattimore have prepared a year-
16 long celebration commemorating the Town's 100th anniversary; and

17 Whereas, special anniversary events include a reenactment of the Town's
18 first town council meeting, a daylong reunion of Lattimore School alumni, displays of
19 memorabilia, and other historical programs; and

20 Whereas, Lattimore's 100th anniversary and Audley M. Lattimore's
21 contributions to the development of the Town are worthy of celebration and should
22 be enjoyed and supported by all of North Carolina's citizens; Now, therefore,
23 Be it resolved by the House of Representatives:

24 Section 1. The House of Representatives honors Audley M. Lattimore
25 and joins Lattimore's citizens in celebrating the Town's 100th anniversary.

- 1 Section 2. The Principal Clerk shall transmit a certified copy of this
2 resolution to the Mayor and Town Manager of the Town of Lattimore.
3 Section 3. This resolution is effective upon adoption.

**1999 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES**

The following report(s) from standing committee(s) is/are presented:

By Representative(s) **Culpepper** for the Committee on **Rules, Calendar and Operations of the House.**

- Committee Substitute for
H.R. 888 A HOUSE RESOLUTION HONORING THE TOWN OF LATTIMORE UPON
ITS ONE HUNDREDTH ANNIVERSARY AND HONORING ITS FOUNDER, THE
HONORABLE AUDLEY M. LATTIMORE.
- With a favorable report.
- With a favorable report and recommendation that the bill be re-referred to the Committee on
Appropriations Finance .
- With a favorable report, as amended.
- With a favorable report, as amended, and recommendation that the bill be re-referred to the
Committee on Appropriations Finance .
- With a favorable report as to committee substitute bill (#), which changes the title,
unfavorable as to (original bill) (Committee Substitute Bill #), (and recommendation
that the committee substitute bill #) be re-referred to the Committee on .)
- With a favorable report as to House committee substitute bill (#), which changes
the title, unfavorable as to Senate committee substitute bill.
- With an unfavorable report.
- With recommendation that the House concur.
- With recommendation that the House do not concur.
- With recommendation that the House do not concur; request conferees.
- With recommendation that the House concur; committee believes bill to be material.
- With an unfavorable report, with a Minority Report attached.
- Without prejudice.
- With an indefinite postponement report.
- With an indefinite postponement report, with a Minority Report attached.
- With recommendation that committee substitute resolution be adopted, (HOUSE
RESOLUTION ONLY) unfavorable to original resolution.

2/24/99

VISITOR REGISTRATION SHEET

RULES

Name of Committee

4-14-99

Date

VISITORS: PLEASE SIGN BELOW AND RETURN TO COMMITTEE CLERK.

NAME

FIRM OR AGENCY AND ADDRESS

<p> <i>Myth Osborne</i> <i>James White</i> <i>Bill Brookes</i> </p>	<p> AOC NC - NW NCFPC </p>
<p> <i>Tom McNeill</i> </p>	<p> NCAICU </p>
<p> <i>Kathy Selig-Haughy</i> <i>Albert Haddock</i> </p>	<p> 5504 Lacy Rd Durham " </p>
<p> <i>Willie Riddick</i> </p>	<p> DOR </p>
<p> <i>Tom Dixon</i> </p>	<p> DOR </p>
<p> <i>Colon Willoughby</i> <i>Estherine Davis</i> </p>	<p> DA Office - auto Co Electricities </p>
<p> <i>Alice Garland</i> </p>	<p> " </p>
<p> <i>Joyce Rivers</i> </p>	<p> DA Office </p>
<p> <i>Natalie English</i> </p>	<p> NC Agribusiness Council </p>
<p> <i>John McAlister</i> <i>Steve Levitas</i> </p>	<p> Duke Energy Brook, PNC </p>

AGENDA

**HOUSE COMMITTEE ON RULES, CALENDAR AND
OPERATIONS OF THE HOUSE**

**April 15, 1999
Room 425 LOB
12:30 PM**

OPENING REMARKS

Representative Culpepper, Chairman

CONSIDERATION OF BILLS

ACTION TAKEN ON BILLS

ADJOURNMENT

MINUTES OF THE COMMITTEE ON RULES, CALENDAR AND OPERATIONS OF
THE HOUSE

The Committee on Rules, Calendar and Operations of the House met on April 15, 1999 at 12:30 p.m. in Room 425 of the Legislative Office Building. The following members were present: Representatives Culpepper, Chairman; Crawford, Gulley, Hill, McCombs, McMahan, Tolson, and Yongue.

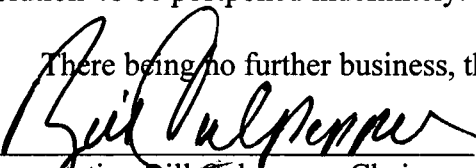
Action was taken on the following bills:

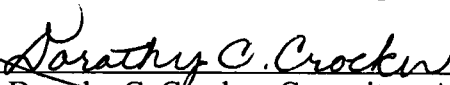
Senate Joint Resolution 913 – A JOINT RESOLUTION INVITING THE HONORABLE BURLEY B. MITCHELL, JR., CHIEF JUSTICE OF THE SUPREME COURT, TO ADDRESS A JOINT SESSION OF THE HOUSE OF REPRESENTATIVES AND THE SENATE. The chairman stated that at the beginning of biennial sessions it is customary for the General Assembly to issue an invitation to the Chief Justice of the Supreme Court to give an address on the state of the Judiciary, and Representative Yongue moved that the resolution be given a favorable report. The motion carried.

House Joint Resolution 5 - A JOINT RESOLUTION INFORMING HIS EXCELLENCY, GOVERNOR JAMES B. HUNT, JR., THAT THE GENERAL ASSEMBLY IS ORGANIZED AND READY TO PROCEED WITH PUBLIC BUSINESS AND INVITING THE GOVERNOR TO ADDRESS A JOINT SESSION OF THE SENATE AND HOUSE OF REPRESENTATIVES. The chairman stated that inasmuch as the Governor had already addressed the General Assembly following an invitation issued by a Senate resolution, this resolution was not needed. Representative McCombs moved that the resolution be postponed indefinitely, and the motion carried.

House Joint Resolution 48 –A JOINT RESOLUTION HONORING THE MEMORY OF PLATT D. WALKER, THE FIRST PRESIDENT OF THE NORTH CAROLINA BAR ASSOCIATION, ON THE ONE HUNDREDTH ANNIVERSARY OF THE NORTH CAROLINA BAR ASSOCIATION. The chairman stated that this was a similar situation as that action taken in the above resolution in that a Senate resolution had already been passed, and Representative Hackney had handled it on the floor of the House earlier in the session. Representative Crawford made a motion that House Joint Resolution 48 be postponed indefinitely. The motion passed.

There being no further business, the meeting adjourned at 12:45 p.m.


Representative Bill Culpepper, Chairman


Dorothy C. Crocker, Committee Assistant

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1999

S

1

SENATE JOINT RESOLUTION 913

Sponsors: Senator Rand.

Referred to: Rules Suspended, Passed 2nd & 3rd, to House.

April 14, 1999

1 A JOINT RESOLUTION INVITING THE HONORABLE BURLEY B. MITCHELL,
2 JR., CHIEF JUSTICE OF THE SUPREME COURT, TO ADDRESS A JOINT
3 SESSION OF THE HOUSE OF REPRESENTATIVES AND THE SENATE.

4 Be it resolved by the Senate, the House of Representatives concurring:

5 Section 1. The Honorable Burley B. Mitchell, Jr., Chief Justice of the
6 Supreme Court, is invited to address a joint session of the House of Representatives
7 and the Senate in the Hall of the House of Representatives at 7:00 p.m., Monday,
8 April 19, 1999.

9 Section 2. The Secretary of State shall transmit a certified copy of this
10 resolution to Burley B. Mitchell, Jr.

11 Section 3. This resolution is effective upon ratification.

**1999 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES**

The following report(s) from standing committee(s) is/are presented:

By Representative(s) **Culpepper** for the Committee on **Rules, Calendar and Operations of the House.**

- Committee Substitute for
S.J.R. 913 A JOINT RESOLUTION INVITING THE HONORABLE BURLEY B.
MITCHELL, JR., CHIEF JUSTICE OF THE SUPREME COURT, TO ADDRESS A JOINT
SESSION OF THE HOUSE OF REPRESENTATIVES AND THE SENATE.
- With a favorable report.
- With a favorable report and recommendation that the bill be re-referred to the Committee on
Appropriations Finance .
- With a favorable report, as amended.
- With a favorable report, as amended, and recommendation that the bill be re-referred to the
Committee on Appropriations Finance .
- With a favorable report as to committee substitute bill (#), which changes the title,
unfavorable as to (original bill) (Committee Substitute Bill #), (and recommendation
that the committee substitute bill #) be re-referred to the Committee on .)
- With a favorable report as to House committee substitute bill (#), which changes
the title, unfavorable as to Senate committee substitute bill.
- With an unfavorable report.
- With recommendation that the House concur.
- With recommendation that the House do not concur.
- With recommendation that the House do not concur; request conferees.
- With recommendation that the House concur; committee believes bill to be material.
- With an unfavorable report, with a Minority Report attached.
- Without prejudice.
- With an indefinite postponement report.
- With an indefinite postponement report, with a Minority Report attached.
- With recommendation that it be adopted. (HOUSE RESOLUTION ONLY)

2/24/99

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1999

H

1

HOUSE JOINT RESOLUTION 5

Sponsors: Representatives Baddour; Goodwin, Hunter, and Warwick.

Referred to: Rules, Calendar and Operations of the House.

January 28, 1999

1 **A JOINT RESOLUTION INFORMING HIS EXCELLENCY, GOVERNOR JAMES**
2 **B. HUNT, JR., THAT THE GENERAL ASSEMBLY IS ORGANIZED AND**
3 **READY TO PROCEED WITH PUBLIC BUSINESS AND INVITING THE**
4 **GOVERNOR TO ADDRESS A JOINT SESSION OF THE SENATE AND**
5 **HOUSE OF REPRESENTATIVES.**

6 **Be it resolved by the House of Representatives, the Senate concurring:**

7 **Section 1. A committee of five Senators appointed by the President Pro**
8 **Tempore of the Senate and five Representatives appointed by the Speaker of the**
9 **House of Representatives shall notify His Excellency, Governor James B. Hunt, Jr.,**
10 **that the General Assembly is organized and is ready to proceed with public business**
11 **and to invite him to address a joint session of the Senate and House of**
12 **Representatives in the Hall of the House of Representatives at 7:00 p.m., Monday,**
13 **February 1, 1999.**

14 **Section 2. This resolution is effective upon ratification.**

**1999 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES**

The following report(s) from standing committee(s) is/are presented:

By Representative(s) **Culpepper** for the Committee on **Rules, Calendar and Operations of the House.**

Committee Substitute for

H.J.R. 5 A JOINT RESOLUTION INFORMING HIS EXCELLENCY, GOVERNOR JAMES B. HUNT, JR., THAT THE GENERAL ASSEMBLY IS ORGANIZED AND READY TO PROCEED WITH PUBLIC BUSINESS AND INVITING THE GOVERNOR TO ADDRESS A JOINT SESSION OF THE SENATE AND HOUSE OF REPRESENTATIVES.

With a favorable report.

With a favorable report and recommendation that the bill be re-referred to the Committee on Appropriations Finance .

With a favorable report, as amended.

With a favorable report, as amended, and recommendation that the bill be re-referred to the Committee on Appropriations Finance .

With a favorable report as to committee substitute bill (#), which changes the title, unfavorable as to (original bill) (Committee Substitute Bill #), (and recommendation that the committee substitute bill #) be re-referred to the Committee on .)

With a favorable report as to House committee substitute bill (#), which changes the title, unfavorable as to Senate committee substitute bill.

With an unfavorable report.

With recommendation that the House concur.

With recommendation that the House do not concur.

With recommendation that the House do not concur; request conferees.

With recommendation that the House concur; committee believes bill to be material.

With an unfavorable report, with a Minority Report attached.

Without prejudice.

With an indefinite postponement report.

With an indefinite postponement report, with a Minority Report attached.

With recommendation that it be adopted. (HOUSE RESOLUTION ONLY)

2/24/99

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1999

H

1

HOUSE JOINT RESOLUTION 48*

Sponsors: Representatives Hackney; Baddour, Haire, Miller, Goodwin, Barefoot,
and Culpepper.

Referred to: Rules, Calendar and Operations of the House.

February 9, 1999

1 A JOINT RESOLUTION HONORING THE MEMORY OF PLATT D. WALKER,
2 THE FIRST PRESIDENT OF THE NORTH CAROLINA BAR ASSOCIATION,
3 ON THE ONE HUNDREDTH ANNIVERSARY OF THE NORTH CAROLINA
4 BAR ASSOCIATION.

5 Whereas, the North Carolina Bar Association was founded on February
6 10, 1899, by a group of 62 lawyers, who convened in Raleigh at the North Carolina
7 Supreme Court; and

8 Whereas, Platt D. Walker was elected the first President on February 10,
9 1899 at the first organizational meeting of the Association; and

10 Whereas, the Association was organized to promote the administration of
11 justice throughout the State, advance the science of jurisprudence, maintain the
12 standard of honor in the profession, and establish cordial intercourse among the
13 members; and

14 Whereas, the 1899 General Assembly enacted a statute on March 6, 1899,
15 incorporating and bestowing upon the Association legal status as a recognized
16 professional association within the State; and

17 Whereas, the Association held its first annual meeting July 5-7, 1899, in
18 Morehead City, with 114 lawyers in attendance; and

19 Whereas, since its formation, the Association has used its resources to
20 support lawyers and local Bar organizations throughout North Carolina; and

21 Whereas, the Association has enhanced the quality of life for all citizens
22 of the State and advanced the public confidence in the legal profession; and

23 Whereas, many lawyers serving our State in the General Assembly and its
24 leadership have been members of the Association; and

1 Whereas, during its 100 years of service, the Association has been
2 instrumental in providing leadership and encouraging the highest standards of
3 integrity, competence, civility, and well-being of all members of the legal profession;
4 and

5 Whereas, the goals of the Association during the celebration of its
6 centennial are:

- 7 (1) To inspire lawyers to the highest ideals of professionalism and
8 service.
- 9 (2) To foster and protect the fundamental role of lawyers to sustain
10 the rule of law in our free society.
- 11 (3) To challenge all citizens to strengthen our system of justice for the
12 21st century.
- 13 (4) To assist the General Assembly in its important duty of enacting
14 sound legislation for the betterment of all North Carolinians
15 through drafting, and research and as a resource; and

16 Whereas, it is only fitting that the Association be commended for its 100
17 years of continuous service; Now, therefore,

18 Be it resolved by the House of Representatives, the Senate concurring:

19 Section 1. The General Assembly honors the life and memory of Platt D.
20 Walker and expresses appreciation for the contributions he made to the North
21 Carolina Bar Association. The General Assembly recognizes the historic
22 accomplishments of the North Carolina Bar Association and congratulates the
23 organization on 100 years of dedicated commitment to serve the public and the legal
24 profession by promoting the administration of justice and encouraging the highest
25 standards of integrity, competence, civility, and well-being of all members of the
26 profession. The General Assembly further wishes to thank the volunteers and staff
27 who have contributed to the growth and development of this distinguished
28 Association.

29 Section 2. The Secretary of State shall transmit a certified copy of this
30 resolution to the President of the North Carolina Bar Association.

31 Section 3. This resolution is effective upon ratification.

**1999 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES**

The following report(s) from standing committee(s) is/are presented:

By Representative(s) **Culpepper** for the Committee on **Rules, Calendar and operations of the House.**

Committee Substitute for

H.J.R. 48 A JOINT RESOLUTION HONORING THE MEMORY OF PLATT D. WALKER, THE FIRST PRESIDENT OF THE NORTH CAROLINA BAR ASSOCIATION, ON THE ONE HUNDREDTH ANNIVERSARY OF THE NORTH CAROLINA BAR ASSOCIATION.

- With a favorable report.
- With a favorable report and recommendation that the bill be re-referred to the Committee on Appropriations Finance .
- With a favorable report, as amended.
- With a favorable report, as amended, and recommendation that the bill be re-referred to the Committee on Appropriations Finance .
- With a favorable report as to committee substitute bill (#), which changes the title, unfavorable as to (original bill) (Committee Substitute Bill #), (and recommendation that the committee substitute bill #) be re-referred to the Committee on .)
- With a favorable report as to House committee substitute bill (#), which changes the title, unfavorable as to Senate committee substitute bill.
- With an unfavorable report.
- With recommendation that the House concur.
- With recommendation that the House do not concur.
- With recommendation that the House do not concur; request conferees.
- With recommendation that the House concur; committee believes bill to be material.
- With an unfavorable report, with a Minority Report attached.
- Without prejudice.
- With an indefinite postponement report.
- With an indefinite postponement report, with a Minority Report attached.
- With recommendation that it be adopted. (HOUSE RESOLUTION ONLY)

2/24/99

AGENDA

**HOUSE COMMITTEE ON RULES, CALENDAR AND
OPERATIONS OF THE HOUSE**

**April 15, 1999
Room 425 LOB
2:50 PM**

OPENING REMARKS

Representative Culpepper, Chairman

CONSIDERATION OF BILLS

ACTION TAKEN ON BILLS

ADJOURNMENT

MINUTES OF THE COMMITTEE ON RULES, CALENDAR AND OPERATIONS OF
THE HOUSE

April 15, 1999

The Committee on Rules, Calendar and Operations of the House met on April 15, 1999 at 2:50 p.m. in Room 425 of the Legislative Office Building. The following members were present; Representatives Culpepper, Chairman; Joe Hackney, Vice Chairman; Alexander, Allen, Boyd-McIntyre, Crawford, Gulley, Luebke, McCombs, Michaux, Nye, Ramsey, Tolson, and Yongue.

The following matters came before the committee:

HOUSE BILL 778-AN ACT TO ADD FOUR MEMBERS TO THE STUDY COMMISSION ON THE FUTURE OF ELECTRIC SERVICE IN NORTH CAROLINA. Representative McComas, bill sponsor, was recognized to present the bill. Representative McComas stated that the bill adds four members from the General Assembly (two members from the Senate to be appointed by the President Pro-Tem and two members from the House to be appointed by the Speaker) to the Study Commission on Electrical Deregulation. The reason for the bill is that broader representation from the General Assembly is needed on the study commission. He expects that there will be a meeting of the Commission later in the month, and that a final report will be made to the General Assembly before adjournment next year. Representative McMahan made a motion that the bill be given a favorable report. The motion carried.

HOUSE BILL 842-A BILL ENTITLED AN ACT AMENDING THE CHARTER OF THE TOWN OF CARRBORO TO CHANGE THE NAME OF THE BOARD OF ALDERMEN. Speaker Ramsey moved for adoption of a proposed committee substitute, which motion passed. The chairman then recognized Representative Hackney to speak on the bill. Representative Hackney stated that the governing body of the Town of Carrboro may wish to change its name, and that he had been informed by Gerry Cohen, Director of Bill Drafting, that there are three kinds of names in North Carolina. They are commissioners, town councils and board of aldermen. The proposed committee substitute allows them to choose either option. Representatives Yongue and Gibson made a motion that the proposed committee substitute be given a favorable report and that the original bill be given an unfavorable report. The motion carried.

HOUSE BILL 421-AN ACT TO ROTATE PARTY ALIGNMENT ON THE BALLOT. Representative Morris, the bill's sponsor, was not present, and the bill was temporarily displaced.

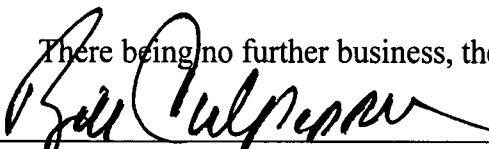
HOUSE BILL 438-AN ACT RELATING TO THE GOVERNANCE OF BEAUFORT COUNTY. Representative McCombs moved for adoption of a proposed committee substitute which changes the title of the bill to AN ACT EXEMPTING HOUSING AUTHORITIES FROM REAL ESTATE LICENSURE REQUIREMENTS. The motion carried. The sponsor of the bill, Representative Edwards, stated that the


Beaufort County Housing Authority requests exemption from the licensure requirement that requires a commission be paid to a real estate agent for collection of rentals. Representative Michaux moved that the proposed committee substitute be reported without prejudice, unfavorable as to the original bill, with the recommendation that the proposed committee substitute bill be re-referred to the Committee on Ways and Means. The motion carried.

HOUSE BILL 639-AN ACT TO PROVIDE FOR AN EXPANSION OF RIGHTS UNDER EXISTING LAW PERTAINING TO GRANDPARENT VISITATION. The chairman relinquished the chair to Representative Hackney, Vice Chairman, who then recognized him as sponsor of the bill. Representative Culpepper stated that there would be no vote on the bill at this meeting. Before speaking on the bill he presented some background on the bill. He explained that a study commission was set up after the 1995 session of the General Assembly to study the issue of the grandparents visitation laws. He served as a member of that commission which met every month between the 1995-1997 sessions. As a result of that study commission, House Bill 82 was introduced in 1997 and was referred to the Committee on Rules and did not move any further. House Bill 639 (1999) is identical to House Bill 82 (1997).

Following Representative Culpepper's explanation of the bill there were questions by members of the committee followed by Bill Brooks representing the Family Policy Council, N. C., Anne Winner, representing NC Now, and Al Hartkopf, a parent, who spoke against the bill (see attached notes and comments).

There being no further business, the meeting adjourned at 3:55 p.m.


Representative Bill Culpepper, Chairman


Dorothy C. Crocker, Committee Assistant

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 1999

H

1

HOUSE BILL 778*

Short Title: Future of Electric Service/Members.

(Public)

Sponsors: Representative McComas.

Referred to: Rules, Calendar and Operations of the House.

March 31, 1999

1 A BILL TO BE ENTITLED
2 AN ACT TO ADD FOUR MEMBERS TO THE STUDY COMMISSION ON THE
3 FUTURE OF ELECTRIC SERVICE IN NORTH CAROLINA.

4 The General Assembly of North Carolina enacts:

5 Section 1. Section 1 of S.L. 1997-40 reads as rewritten:

6 "Section 1. The Study Commission on the Future of Electric Service in North
7 Carolina is created. The Commission shall consist of ~~23~~ 27 voting members as
8 follows:

- 9 (1) ~~Six~~ Eight members of the Senate to be appointed by the President
10 Pro Tempore of the Senate;
- 11 (2) ~~Six~~ Eight members of the House of Representatives to be
12 appointed by the Speaker of the House of Representatives;
- 13 (3) The Chief Executive Officer of the North Carolina Electric
14 Membership Corporation or the Chief Executive Officer's
15 designee;
- 16 (4) The Chief Executive Officer of ElectriCities of North Carolina or
17 the Chief Executive Officer's designee;
- 18 (5) The Chief Executive Officer of Duke Power Company or the Chief
19 Executive Officer's designee;
- 20 (6) The Chief Executive Officer of Carolina Power and Light
21 Company or the Chief Executive Officer's designee;
- 22 (7) Two residential consumers of electricity, one to be appointed by
23 the President Pro Tempore of the Senate and one to be appointed
24 by the Speaker of the House of Representatives;

- 1 (8) One commercial consumer of electricity to be appointed by the
- 2 President Pro Tempore of the Senate;
- 3 (9) Two industrial consumers of electricity, one to be appointed by the
- 4 Speaker of the House of Representatives and one to be appointed
- 5 by the President Pro Tempore of the Senate;
- 6 (10) One member of the environmental community to be appointed by
- 7 the Governor; and
- 8 (11) One person representing a nationwide electric power marketer to
- 9 be appointed by the Speaker of the House of Representatives.

10 The President Pro Tempore of the Senate and the Speaker of the House of
11 Representatives shall each designate a cochair from the General Assembly
12 membership serving on the Commission. The Commission shall meet upon the call
13 of the cochairs. A majority of the Commission shall constitute a quorum for the
14 transaction of business."

15 Section 2. This act is effective when it becomes law.

**1999 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES**

The following report(s) from standing committee(s) is/are presented:

By Representative(s) **Culpepper** for the Committee on **Rules, Calendar and Operations of the House.**

- Committee Substitute for
H.B. 778 A BILL TO BE ENTITLED AN ACT TO ADD FOUR MEMBERS TO THE
STUDY COMMISSION ON THE FUTURE OF ELECTRIC SERVICE IN NORTH
CAROLINA.
- With a favorable report.
- With a favorable report and recommendation that the bill be re-referred to the Committee on
Appropriations Finance .
- With a favorable report, as amended.
- With a favorable report, as amended, and recommendation that the bill be re-referred to the
Committee on Appropriations Finance .
- With a favorable report as to committee substitute bill (#), which changes the title,
unfavorable as to (original bill) (Committee Substitute Bill #), (and recommendation
that the committee substitute bill #) be re-referred to the Committee on .)
- With a favorable report as to House committee substitute bill (#), which changes
the title, unfavorable as to Senate committee substitute bill.
- With an unfavorable report.
- With recommendation that the House concur.
- With recommendation that the House do not concur.
- With recommendation that the House do not concur; request conferees.
- With recommendation that the House concur; committee believes bill to be material.
- With an unfavorable report, with a Minority Report attached.
- Without prejudice.
- With an indefinite postponement report.
- With an indefinite postponement report, with a Minority Report attached.
- With recommendation that it be adopted. (HOUSE RESOLUTION ONLY)

2/24/99

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1999

H

1

HOUSE BILL 842

Short Title: Carrboro Aldermen Name Change.

(Local)

Sponsors: Representative Insko.

Referred to: Rules, Calendar and Operations of the House.

April 1, 1999

1 A BILL TO BE ENTITLED
2 AN ACT AMENDING THE CHARTER OF THE TOWN OF CARRBORO TO
3 CHANGE THE NAME OF THE BOARD OF ALDERMEN.
4 The General Assembly of North Carolina enacts:
5 Section 1. Section 2-1(a) of Article 2 of the Charter of the Town of
6 Carrboro, being Chapter 476 of the 1987 Session Laws, as amended, reads as
7 rewritten:
8 "(a) The governing body of the Town of Carrboro shall consist of a mayor and six
9 ~~aldermen, -----~~, elected as provided in Section 2-2. The governing body shall be
10 known as the ~~Board of Aldermen. -----~~. Whenever this Charter or any
11 ordinance, resolution, or other document refers to the Carrboro Board of Aldermen
12 such reference shall be deemed to refer to the Carrboro -----."
13 Section 2. This act is effective when it becomes law.

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1999

H

D

HOUSE BILL 842
Proposed Committee Substitute H842-PCS6162-LT

Short Title: Carrboro Aldermen Name Change.

(Local)

Sponsors:

Referred to:

April 1, 1999

- 1 A BILL TO BE ENTITLED
2 AN ACT AMENDING THE CHARTER OF THE TOWN OF CARRBORO TO
3 CHANGE THE NAME OF THE BOARD OF ALDERMEN.
4 The General Assembly of North Carolina enacts:
5 Section 1. Section 2-1(a) of Article 2 of the Charter of the Town of
6 Carrboro, being Chapter 476 of the 1987 Session Laws, as amended, reads as
7 rewritten:
8 "(a) The governing body of the Town of Carrboro shall consist of a mayor and six
9 ~~aldermen; aldermen, commissioners, or council members, as determined by resolution~~
10 ~~of the Town of Carrboro,~~ elected as provided in Section 2-2. The governing body
11 shall be known as the ~~Board of Aldermen.~~ Board of Aldermen, Board of
12 Commissioners, or Town Council, as determined by resolution of the Town of
13 Carrboro. Whenever this Charter or any ordinance, resolution, or other document
14 refers to the Carrboro Board of Aldermen, such reference shall be deemed to refer to
15 the Carrboro Board of Aldermen, Board of Commissioners, or Town Council, as
16 determined by resolution of the Town of Carrboro."
17 Section 2. This act is effective when it becomes law.

**1999 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES**

The following report(s) from standing committee(s) is/are presented:

By Representative(s) **Culpepper** for the Committee on **Rules, Calendar and Operations of the House.**

- Committee Substitute for
H.B. 842 A BILL TO BE ENTITLED AN ACT AMENDING THE CHARTER OF THE
TOWN OF CARRBORO TO CHANGE THE NAME OF THE BOARD OF ALDERMEN.
- With a favorable report.
- With a favorable report and recommendation that the bill be re-referred to the Committee on
Appropriations Finance .
- With a favorable report, as amended.
- With a favorable report, as amended, and recommendation that the bill be re-referred to the
Committee on Appropriations Finance .
- With a favorable report as to committee substitute bill, unfavorable as to original.
- With a favorable report as to House committee substitute bill (#), which changes
the title, unfavorable as to Senate committee substitute bill.
- With an unfavorable report.
- With recommendation that the House concur.
- With recommendation that the House do not concur.
- With recommendation that the House do not concur; request conferees.
- With recommendation that the House concur; committee believes bill to be material.
- With an unfavorable report, with a Minority Report attached.
- Without prejudice.
- With an indefinite postponement report.
- With an indefinite postponement report, with a Minority Report attached.
- With recommendation that it be adopted. (HOUSE RESOLUTION ONLY)

2/24/99

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1999

H

1

HOUSE BILL 438

Short Title: Beaufort County Local Act.

(Local)

Sponsors: Representative Edwards.

Referred to: Rules, Calendar and Operations of the House.

March 15, 1999

- 1 A BILL TO BE ENTITLED
2 AN ACT RELATING TO THE GOVERNANCE OF BEAUFORT COUNTY.
3 The General Assembly of North Carolina enacts:
4 Section 1. This act applies to Beaufort County only.
5 Section 2. This act is effective when it becomes law.

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1999

H

D

HOUSE BILL 438
Proposed Committee Substitute H438-PCS1206-RN

Short Title: Housing Authority Exemption.

(Public)

Sponsors:

Referred to:

March 15, 1999

- 1 A BILL TO BE ENTITLED
2 AN ACT EXEMPTING HOUSING AUTHORITIES FROM REAL ESTATE
3 LICENSURE REQUIREMENTS.
4 The General Assembly of North Carolina enacts:
5 Section 1. G.S. 93A-2(c) reads as rewritten:
6 "(c) The provisions of this Chapter shall not apply to and shall not include:
7 (1) Any person, partnership, corporation, limited liability company,
8 association, or other business entity who, as owner or lessor, shall
9 perform any of the acts aforesaid with reference to property owned
10 or leased by them, where the acts are performed in the regular
11 course of or as incident to the management of that property and
12 the investment ~~therein;~~ therein.
13 (2) Any person acting as an attorney-in-fact under a duly executed
14 power of attorney from the owner authorizing the final
15 consummation of performance of any contract for the sale, lease or
16 exchange of real ~~estate;~~ estate.
17 (3) The acts or services of an ~~attorney-at-law;~~ attorney-at-law.
18 (4) Any person, while acting as a receiver, trustee in bankruptcy,
19 guardian, administrator or executor or any person acting under
20 order of any ~~court;~~ court.
21 (5) Any person, while acting as a trustee under a trust agreement,
22 deed of trust or will, or his regular salaried ~~employees;~~ employees.

1 (6) Any salaried person employed by a licensed real estate broker, for
2 and on behalf of the owner of any real estate or the improvements
3 thereon, which the licensed broker has contracted to manage for
4 the owner, if the salaried employee is limited in his employment
5 to: exhibiting units on the real estate to prospective tenants;
6 providing the prospective tenants with information about the lease
7 of the units; accepting applications for lease of the units;
8 completing and executing preprinted form leases; and accepting
9 security deposits and rental payments for the units only when the
10 deposits and rental payments are made payable to the owner or the
11 broker employed by the owner. The salaried employee shall not
12 negotiate the amount of security deposits or rental payments and
13 shall not negotiate leases or any rental agreements on behalf of the
14 owner or ~~broker, or broker.~~

15 (7) Any owner who personally leases or sells his own property.

16 (8) Any housing authority organized in accordance with the provisions
17 of Chapter 157 of the General Statutes."

18 Section 2. Article 1 of Chapter 157 of the General Statutes is amended to
19 add a new section to read:

20 "§ 157-26.1. Exemption from real estate licensure requirements.

21 The authority shall be exempt from the requirements of Chapter 93A of the
22 General Statutes."

23 Section 3. This act is effective when it becomes law.

**1999 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES**

The following report(s) from standing committee(s) is/are presented:

By Representative(s) **Culpepper** for the Committee on **Rules, Calendar and Operations of the House.**

Committee Substitute for
H.B. 438 A BILL TO BE ENTITLED AN ACT RELATING TO THE GOVERNANCE OF
BEAUFORT COUNTY.

- With a favorable report.
- With a favorable report and recommendation that the bill be re-referred to the Committee on Appropriations Finance .
- With a favorable report, as amended.
- With a favorable report, as amended, and recommendation that the bill be re-referred to the Committee on Appropriations Finance .
- Without prejudice* ~~With a favorable report~~ as to committee substitute bill (~~#~~), which changes the title, unfavorable as to ~~(original bill) (Committee Substitute Bill #~~), (and recommendation that the committee substitute bill ~~#~~) be re-referred to the Committee on *Hayes and Means*.
- With a favorable report as to House committee substitute bill (#), which changes the title, unfavorable as to Senate committee substitute bill.
- With an unfavorable report.
- With recommendation that the House concur.
- With recommendation that the House do not concur.
- With recommendation that the House do not concur; request conferees.
- With recommendation that the House concur; committee believes bill to be material.
- With an unfavorable report, with a Minority Report attached.
- Without prejudice.
- With an indefinite postponement report.
- With an indefinite postponement report, with a Minority Report attached.
- With recommendation that it be adopted. (HOUSE RESOLUTION ONLY)

2/24/99

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1999

H

1

HOUSE BILL 639

Short Title: Grandparent Visitation.

(Public)

Sponsors: Representatives Culpepper; Smith, Decker, Culp, and Davis.

Referred to: Rules, Calendar and Operations of the House.

March 29, 1999

1 A BILL TO BE ENTITLED
2 AN ACT TO PROVIDE FOR AN EXPANSION OF RIGHTS UNDER EXISTING
3 LAW PERTAINING TO GRANDPARENT VISITATION.
4 The General Assembly of North Carolina enacts:
5 Section 1. G.S. 50-13.1(a) reads as rewritten:
6 "(a) Any parent, relative, or other person, agency, organization or institution
7 claiming the right to custody of a minor child may institute an action or proceeding
8 for the custody of such child, as hereinafter provided. Unless a contrary intent is
9 clear, the word 'custody' as it applies to parents of a minor child shall be deemed to
10 include custody or visitation or both."
11 Section 2. G.S. 50-13.2(b1) reads as rewritten:
12 "(b1) An order for custody of a minor child may provide visitation rights for any
13 grandparent of the child as the court, in its discretion, deems appropriate. ~~As used in~~
14 ~~this subsection, "grandparent" includes a biological grandparent of a child adopted by~~
15 ~~a stepparent or a relative of the child where a substantial relationship exists between~~
16 ~~the grandparent and the child.~~ Under no circumstances shall a biological
17 grandparent of a child adopted by adoptive parents, neither of whom is related to the
18 child and where parental rights of both biological parents have been terminated, be
19 entitled to visitation rights."
20 Section 3. G.S. 50-13.2A reads as rewritten:
21 "§ 50-13.2A. Action for visitation of an adopted grandchild by grandparent.
22 A ~~biological~~ grandparent may institute an action or proceeding for visitation rights
23 with a grandchild ~~child adopted by a stepparent or a relative of the child where a~~
24 ~~substantial relationship exists between the grandparent and the child.~~ under the

1 provisions of this section. Under no circumstances shall a biological grandparent of a
2 child adopted by adoptive parents, neither of whom is related to the child and where
3 parental rights of both biological parents have been terminated, be entitled to
4 visitation rights. A court may award visitation rights ~~if~~ as it determines ~~that visitation~~
5 ~~is to be~~ in the best interest of the ~~child.~~ grandchild. ~~An order awarding visitation~~
6 ~~rights shall contain findings of fact which support the determination by the judge of~~
7 ~~the best interest of the child.~~ An order awarding or denying visitation under this
8 section shall contain findings of fact supporting the award or denial of visitation
9 based on the grandchild's best interest. If the grandchild's legal parents are married
10 and living together, the court shall not award visitation unless the court determines
11 the following by clear and convincing evidence:

- 12 (1) That there is a preexisting relationship between the grandparent
13 and the grandchild that has engendered a bond such that visitation
14 is in the best interest of the grandchild; and
15 (2) That the amount and circumstances of the visitation awarded will
16 not substantially interfere with the right of the parents to exercise
17 their parental authority.

18 Where the grandchild's legal parents are married and living together, there is a
19 presumption that may be rebutted by clear and convincing evidence that visitation by
20 a grandparent is not in the best interest of the grandchild if the grandchild's legal
21 parents agree that the grandparent should not be granted visitation rights. Where the
22 grandchild's legal parents either are not married or are not living together, or both,
23 there is no presumption on behalf of any party to the action. Procedure, venue, and
24 jurisdiction ~~shall be~~ are the same as in an action for custody."

25 Section 4. G.S. 50-13.5(j) is repealed.

26 Section 5. This act becomes effective October 1, 1999.

"Level playing field" Star Parents constitutionally have advantage
ORGANIZATION: GRANDS YES Parents NO Thank Colquhoun

State ought not force private lives into the public arena where there is no compelling reason to do so. Absent abuse or neglect, there is no compelling reason.

Already Statutory

We suppose the shoe might fit on the other foot as well. Should this legislation pass, might there not then be a legal precedent to force unwilling grandparents to visit their grandchildren? If visitation is gained, should there not be a monetary responsibility gained as well? If the plaintiff is legally entitled to see the child in question, it seems legally consistent that there be some financial responsibility assumed as well.

We must also consider the Constitutional aspects of this legislation. They were glossed over in the hearings, but they are crucial. The N. C. Supreme Court has held that parents have the constitutional right to care, custody, and control of their children (Peterson v. Rodgers, 1994), and upheld same in MacIntyre v. MacIntyre, 1995, and specifically held that North Carolina's statutes do not allow grandparents to petition for visitation with grandchildren who are part of an intact family. The United States Supreme Court has held that parents have a fundamental right to raise their children with minimal interference. We would direct you to the Legislative Research Commission's report on this matter. There is significant evidence, including a direct statement from advisory council, that this legislation will fail upon judicial review. If that is so, why pass it at all? In the majority of states where it has passed, within a year or two, it has been overturned as unconstitutional. Imagine the damage caused during that time. What gives the state the right to carve up a family's time and decide with which relatives a child will spend his time? What will happen in families of divorce or remarriage in which there are three or even four sets of grandparents? What about aunts and uncles who are also granted rights under this new law? These questions and more are why this type of legislation has, and will continue to fail judicial review.

The grandchild will undoubtedly feel the tensions, notice the snipes, and recognize the way that time with Granny is very different than time without Granny. Is it possible to legislate good familial relationships? Is it possible to legislate love? It is not. It is folly to attempt it. The grandchildren will also suffer monetarily due to the strain of court-related costs and they will suffer emotionally because their familial relationships will be exposed in the confrontational atmosphere of a courtroom. They will suffer financially because their parents will have to spend enormous sums of money defending these actions in court. One family we have talked to has already spent over forty-two thousand dollars in legal fees defending against one suit and appeals. They were lucky. They got some work done pro bono. They won this time, but if this legislation passes, they will be right back in court. That forty-two thousand dollars equates, for us at least, to nearly four years of college. That is college that their children may not see because of similar litigation, let alone what happens if this law passes.

VA
WILLIAMS
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FLA.
Buckley
MEYER

We suppose one of the worst aspects of this legislation is that it will hurt those whom it seems to assist: the grandparents. What is there to be gained by their lawsuit? As it turns out, not much. As lawyers and social workers have indicated, they would be so much better off if they worked their problems out without the courts' involvement. They will spend so much money and gain so little time with their grandchildren. What tiny bit they secure will be under incredibly tense circumstances. Consider also the message that will be sent out to parents across North Carolina and what actions they may feel they must take to avoid such a suit. These actions will exclude any and all grandparents that may be "questionable." This legislation, and the position it puts parents in, will cause untold grief for grandparents that might otherwise be allowed a normal relationship with their children and grandchildren.

We are working with numerous groups across our state to stop this proposed legislation. This is a completely non-partisan issue. It is a family issue - a children's issue. Every Christian group contacted, including the North Carolina Family Council, has joined in opposition. The NC National Organization of Women has joined in opposition, as has their parent organization, NOW. We think it is worth note that these groups, which come from what is generally considered opposite ends of the political spectrum, have found a common bond in opposing this legislation. The ACLU is even looking into this. The American Association of Retired Persons, calling the genesis of the legislation "petty", is not planning to support legislated grandparent's visitation. We think that makes quite a statement. We have been in contact with the State PTA Vice-President for Legislative Activity. He agrees that this proposed legislation directly violates the NC State PTA's platform of strengthening children by strengthening families. The NC Child Advocacy Institute has spoken out in opposition stating litigation as the worst possible avenue for the child.

Won't you please lend your opposition to this bill as well? Help us remove this threat from over the heads of North Carolina's families. We heard it said once by a particular politician that he couldn't describe what "family values" were, but he'd know them when he saw them. We are sure, and he would concur, that this legislation isn't one of them. Let's be sure it never makes it out of committee.

While Kathy was meeting with legislators last session, a very kind Senator asked if we intended to have more children. Kathy's response was, "We would love to have another child but our personal situation and the threat of legislation is of great concern regarding the child we already have." The Senator's unforgettable reply was, "You really should give that little girl a baby brother or sister. After all, that is what it's all about! We won't let you down. North Carolina won't let you down." Our new baby was born in July. Please help us help all of North Carolina's children.

Thank you in advance for your help,

Kathy & Al Hartkopf

'Custody, Care and Control'

Courts Still View Parental Rights as Fundamental

by Rik Lovett, Attorney-at-Law

Although parental rights are not specifically mentioned in the constitutions of either North Carolina or the United States, both state and federal courts have consistently ruled that such rights are fundamental. Both the North Carolina Supreme Court and the U.S. Supreme Court have ruled that, except in cases of abuse or neglect, the right of parents to "custody, care, and control" of their children is constitutionally protected.

In *Meyer vs. Nebraska* (1923), the U.S. Supreme Court upheld "freedom of personal choice in family matters."¹ In *Ginsberg vs. New York* (1968), the court stated that "constitutional interpretation has consistently recognized that the parents' claim to authority in their own household to direct the rearing of their children is basic in the structure of our society."² In *Stanley vs. Illinois* (1972), the court upheld the rights and responsibilities of a parent in "the companionship, care, custody, and management of his or her children."³ In *Parham vs. J.R.* (1979), it upheld "the parents' authority to decide what is best for the child . . . neither state officials, nor federal courts are equipped to review such parental decisions."⁴

The court has based these decisions on the constitutional guarantees of liberty, privacy, due process, and equal protection, and on the 9th and 10th Amendments, which leave intact individual rights and freedoms wherever the government is not specifically granted authority by the Constitution.

The North Carolina Supreme Court has likewise consistently viewed parental rights as fundamental, and it has recently upheld that view in decisions relating to custody and visitation rights. In *Moore vs. Moore* (1988), for example, the court declared that "parents who have lawful custody of the minor children have the prerogative to determine with whom their children shall associate."⁵ In *Peterson vs. Rogers* (1994), the court ruled that parents have "a paramount right . . . to custody, care and control of their children," including the right to decide with whom their children associate.⁶ In *McIntyre vs. McIntyre* the following year, the court referred back to the phrasing in *Peterson* as its guiding principle on parental rights.⁷

Grandparent Visitation Laws

In *McIntyre vs. McIntyre*, Victor and Louise McIntyre sued under General Statute 50-13.1 (a), which says that "any parent, relative, or other person . . . denying the right to custody of a minor child may be enjoined from taking any action . . . for the custody of such child," with "custody" being defined as "custody or visitation or both." However, the North Carolina Supreme Court ruled that this statute was meant as a clarification of all other statutes governing custody proceedings. Under all such statutes, said the court, "a grandparent's right to

visitation arises either in the context of an ongoing custody proceeding or where the minor child is in the custody of a stepparent or a relative."⁸

None of these statutes concern intact families such as the McIntyres. The law presumes that parents, absent evidence of abuse or neglect, are best able to decide how to raise their children. Senate Bill 842, now under consideration by a legislative study commission, would change that, creating a rebuttal presumption that visitation with grandparents is in the child's best interest, provided the grandparents had previously shown substantial care and concern, and provided that they respect parental wishes during the visits.

This departs from legal precedent in a fundamental sense. For the first time, parents would be forced to prove that their decisions are in the best interests of their children, rather than someone else having to prove that they are not. Such a legal principle could be extended far beyond grandparent visitation rights, and would keep parents constantly before judges explaining their actions. And, because custody and visitation rights are the same under the law, such a precedent would allow the state to take children away from their natural parents without proving abuse or neglect.

At the very least, this legislation would force parents, in order to defend their decisions, to open family wounds in a public forum--a process that is hardly likely to bring family members closer together. Suppose, for example, that a parent was sexually abused by his own parents as a child, and has every reason to believe that his children would be similarly abused if left unsupervised with the grandparents. Under current law, the parent does not have to make any accusations, and can tactfully supervise all visits. Under the new law, this parent would have to publicly accuse his or her parents of criminal behavior, accusations that would surely put an end to all productive interchange between members of the family.

While it is true that around 20 states have passed laws granting visitation rights to grandparents, some of these laws have been repealed or struck down. Illinois and South Carolina recently repealed their grandparent visitation laws.⁹ While the supreme courts in Missouri and Kentucky have upheld such laws, those in Tennessee and Georgia have declared them to be unconstitutional.¹⁰ The Tennessee Supreme Court concluded that "absent a showing of parental unfitness, an award of visitation pursuant to the grandparent visitation statute constitutes a virtually unprecedented intrusion into a protected sphere of family life."¹¹ Although the U.S. Supreme Court has not ruled on this issue, it did turn down an appeal by the grandparents in the Georgia case.

In *McIntyre*, the North Carolina Supreme Court

Continued on page 4

For the first time, parents would be forced to prove that their decisions are in the best interests of their children.

NC FPC

Dick Douglas
Chairman

Bill Brooks
President

Organized in 1992, the North Carolina Family Policy Council is a non-partisan, non-profit, research and education organization. Our goal is to serve as a voice for families and traditional family values in the public policy arena. We are associated with Focus on the Family, but supported solely by private contributions which are tax deductible as provided by law. Our mailing address is P.O. Box 2567, Raleigh, NC 27602. Phone: (919) 834-4090. Fax: (919) 834-0045.

It is highly unlikely that North Carolina's proposed legislation on grandparents' visitation rights could withstand a constitutional challenge.

sidestepped the constitutional issue because the case could be solved on statutory grounds. However, it did say that allowing grandparents to sue for visitation rights with children in an intact family would "raise a serious constitutional question" because such lawsuits would "conflict with the constitutionally protected, paramount right of parents to custody, care, and control of their children and consequently with their right to decide with whom their children shall associate."¹² The court system's own legal research program flatly stated that custody/visitation lawsuits against intact families are unconstitutional.¹³ The staff attorney to the legislative study commission, Lynn Marshbanks, told the commission members that *Peterson* and *McIntyre* suggest that the court would side with parental rights.¹⁴

The Best Interests of the Child

In an ideal world, all custody and visitation decisions would be based on the best interests of the child. In reality, using the best interests of the child as the sole criterium in such decisions would create legal and logistical chaos. Wealthy families could routinely take children away from poor families, and couples could routinely take children away from single parents. Custody decisions would never be final, because someone could always come along offering a better living arrangement. In a custody/visitation battle based solely on the best interests of the child, how many struggling, young, two-job couples could compete with their retired parents, who could offer more attention, a nicer home, and private schools to their grandchildren?

In *Lambert vs. Riddick* (1995), the North Carolina Court of Appeals declared that "in custody disputes between natural parents and third parties 'best interests and welfare' analysis no longer applies; absent a finding that parents are unfit or have neglected the welfare of their children, the constitutionally protected paramount right of parents to custody, care and control of their children must prevail."¹⁵ Notably, *Lambert* involved an unmarried biological father seeking custody when even the biological mother thought that a third-party custody

would be in the best interests of the child. If the court will reject the "best interests" criterium in cases involving non-unitary families, it almost certainly will do so in cases involving intact families.

For these reasons, it is highly unlikely that North Carolina's proposed legislation on grandparents' visitation rights could withstand a constitutional challenge. ¶

Rik Lovett is a Raleigh attorney concentrating his practice solely in domestic law. His firm successfully argued the Lambert vs. Riddick case before the North Carolina Court of Appeals.

Sources

1. *Meyer vs. Nebraska*, 262 U.S. 390 (1923).
2. *Ginsberg vs. New York*, 390 U.S. 629, 639 (1968).
3. *Stanley vs. Illinois*, 405 U.S. 645, 651 (1972).
4. *Parham vs. J.R.*, 442 U.S. 584 (1979).
5. *Moore vs. Moore*, 89 N.C. App. 351, 365 S.E.2d 662 (1988).
6. *Peterson vs. Rogers*, 337 N.C. 397, 445 S.E.2d 901 (1994).
7. *McIntyre vs. McIntyre*, 461 S.E. 2d 745, 749-50 (N.C. 1995).
8. *Ibid.*
9. Loring McIntyre, testimony before the Legislative Review Committee on Grandparents' Visitation Rights, 13 December 1995.
10. Aaron Epstein, "Courts Warier of Grandparents' Visitation Pleas," *The Charlotte Observer* (24 November 1995) p. 14A.
11. *Hawk vs. Hawk*, 855 S.W. 2d 573 (TN 1993).
12. *McIntyre vs. McIntyre*.
13. Thomas Fowler, Judges' Legal Research Program, Administrative Office of the Courts, 29 June 1993.
14. Legislative Research Commission's Committee on Grandparent Visitation Rights, minutes, 13 December 1995, p. 5.
15. *Lambert vs. Riddick*, 462 S.E.2d 835 (N.C. App. 1995).

VISITOR REGISTRATION SHEET

Rules
Name of Committee

4-15-99
Date

VISITORS: PLEASE SIGN BELOW AND RETURN TO COMMITTEE CLERK.

NAME	FIRM OR AGENCY AND ADDRESS
Kris Horton	DSS
Cam Cook	BPMHL
Eatherine Davis	Electricities
Laura Hartsell	NC Bar Association
Rh Kayla	Kayla Law Firm
John McAlister	Duke Energy
Mari Fitz-Wynn	NCFE
John Phelps	NCLM
Kevin Howell	Governor's office
Somarkhan	EJHR
Leanne Wimmer	NCSBA

AGENDA

**HOUSE COMMITTEE ON RULES, CALENDAR AND
OPERATIONS OF THE HOUSE**

**April 20, 1999
Room 421 LOB
1:10 PM**

OPENING REMARKS

Representative Culpepper, Chairman

CONSIDERATION OF BILLS

ACTION TAKEN ON BILLS

ADJOURNMENT

MINUTES OF THE COMMITTEE ON RULES, CALENDAR AND OPERATIONS OF
THE HOUSE

April 20, 1999

A meeting of the Committee on Rules, Calendar and Operations of the House was held on April 20, 1999 at 1:10 p.m. in Room 421 of the Legislative Office Building. Members present were: Representative Culpepper, Chairman; Hackney, Vice Chairman; Alexander, Allen, Crawford, Gulley, Hill McCombs, McMahan, Nye, Ramsey, Tolson Yongue and Cunningham, ex officio.

The following bills were considered:

HOUSE BILL 499-AN ACT TO DIVIDE DISTRICT COURT DISTRICT 30 AND PROSECUTORIAL DISTRICT 30 INTO DISTRICTS 30A AND 30B. The chairman explained the bill in the absence of Representative Carpenter, the bill sponsor. Charles Hipp, District Attorney for District 30, spoke in opposition to the bill. Representatives Ramsey and Haire also opposed the bill. Representative Yongue made a motion that the bill be given an unfavorable report. The motion carried.

HOUSE BILL 526-AN ACT TO APPROPRIATE FUNDS FOR TWO ASSISTANT DISTRICT ATTORNEYS IN PROSECUTORIAL DISTRICT 15A. The chairman recognized the bill sponsor, Representative Allred. Handouts were submitted and are attached hereto. Following explanation of the bill, Representative Hackney stated that this was an appropriations matter and moved that the bill be reported without prejudice and be re-referred to the Committee on Appropriations. The motion carried.

HOUSE BILL 605- AN ACT RELATING TO THE GOVERNANCE OF CRAVEN COUNTY. The bill sponsor, Representative Thomas, offered a proposed committee substitute which changes the title to AN ACT TO AUTHORIZE CRAVEN COUNTY TO ACQUIRE REAL PROPERTY BY CONDEMNATION FOR CONVENTION CENTER PURPOSES AND TO ACQUIRE THE FEE OR ANY LESSER INTEREST. Representative Yongue moved for the adoption of the proposed committee substitute for the purpose of discussion. Without objection, it was so ordered. Representative Hackney made a motion that the committee substitute be reported without prejudice, unfavorable as to the original bill and be re-referred to the Committee on Local Government 1. The motion passed.

HOUSE BILL 698-AN ACT TO APPROPRIATE FUNDS FOR TWO ASSISTANT DISTRICT ATTORNEYS IN PROSECUTORIAL DISTRICT 19A. Representative Moore, bill sponsor explained the bill. Representative Hackney made a motion that the bill be reported without prejudice and be re-referred to the Committee on Appropriations.

HOUSE BILL 787-AN ACT RELATING TO MECKLENBURG COUNTY. A proposed committee substitute was offered by Representative McMahan, bill sponsor, which changed the title to AN ACT TO PROVIDE FOR FLEXIBILITY IN SCHOOL CONSTRUCTION AND REPAIR CONTRACTS FOR CHARLOTTE/MECKLENBURG SCHOOLS. Representative Alexander made a motion that the proposed committee substitute be adopted for the purpose of discussion. Without objection, it was so ordered. Representative Alexander further moved to report the proposed committee substitute without prejudice, unfavorable as to original bill, and be re-referred to the Committee on Local Government 1. The motion carried.

HOUSE BILL 992-AN ACT TO REQUIRE THAT APPROPRIATIONS FOR INDIGENT DEFENSE BE NO GREATER THAN APPROPRIATIONS FOR DISTRICT ATTORNEYS' OFFICES. The sponsor, Representative Clary, had left the meeting, and the chairman withheld action on the bill.

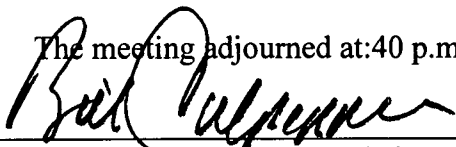
HOUSE BILL 1117-AN ACT TO DIVIDE SUPERIOR COURT DISTRICT 5 INTO A SET OF DISTRICTS. Representative Wright, bill sponsor, was recognized to explain the bill. He stated that the bill had been requested by the Superior Court judges in New Hanover and Pender Counties who helped write the language in the bill. Representative Crawford moved that the bill be reported without prejudice and be re-referred to the Committee on Appropriations. The motion carried.

HOUSE BILL 736-AN ACT RELATING TO THE TOWN OF PLYMOUTH. A proposed committee substitute was offered changing the title to A BILL TO BE ENTITLED AN ACT TO MAKE TECHNICAL CHANGES TO THE OPTOMETRY LICENSING LAWS. Representative Hill moved that it be adopted for the purpose of discussion. Without objection, it was so ordered. Representative Yongue made a motion to report the proposed committee substitute without prejudice, unfavorable as to original bill, and be re-referred to the Committee on Health. The motion carried.

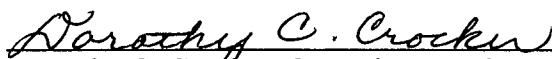
HOUSE BILL 1074-AN ACT TO MAKE CHANGES IN THE ELECTION LAWS. Representative Alexander, bill sponsor, offered a proposed committee substitute changing the title to AN ACT TO EXEMPT THE STATE BOARD OF ELECTIONS AND ITS EXECUTIVE SECRETARY-DIRECTOR FROM THE ADMINISTRATIVE PROCEDURE ACT; TO REQUIRE THAT A SIGNED VOTER REGISTRATION FORM BE DELIVERED TO THE BOARD OF ELECTIONS BY ANYONE DELEGATED THAT RESPONSIBILITY; TO ESTABLISH THE CLASS 2 MISDEMEANOR OF AN ELECTION OFFICIAL OR EMPLOYEE ALTERING VOTER REGISTRATION RECORDS WITHOUT WRITTEN AUTHORIZATION; AND TO ALLOW COUNTIES TO USE A VOTING PLACE OUTSIDE THE PRECINCT, WITH APPROVAL BY THE STATE BOARD OF ELECTIONS. Representative McMahan moved to adopt the proposed committee substitute for the purpose of discussion. Without objection, it was so ordered. Representative Alexander reported that she had worked with State Board of Elections in drafting the bill. Representative Tolson moved that the proposed committee substitute be reported without

prejudice, unfavorable as to the original bill, and be re-referred to the Committee on Election Law and Campaign Finance Reform. The motion carried.

The meeting adjourned at:40 p.m.



Representative Bill Culpepper, Chairman



Dorothy C. Crocker, Committee Assistant

Unfavorable

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1999

H

1

HOUSE BILL 499

Short Title: District 30 Split.

(Public)

Sponsors: Representative Carpenter.

Referred to: Rules, Calendar and Operations of the House.

March 18, 1999

1 A BILL TO BE ENTITLED
2 AN ACT TO DIVIDE DISTRICT COURT DISTRICT 30 AND PROSECUTORIAL
3 DISTRICT 30 INTO DISTRICTS 30A AND 30B.
4 The General Assembly of North Carolina enacts:
5 Section 1. G.S. 7A-133(a) reads as rewritten:
6 "(a) Each district court district shall have the numbers of judges as set forth in the
7 following table:

District	Judges	County
1	4	Camden Chowan Currituck Dare Gates Pasquotank Perquimans
2	3	Martin Beaufort Tyrrell Hyde
3A	5	Washington Pitt

1	3B	5	Craven
2			Pamlico
3			Carteret
4	4	7	Sampson
5			Duplin
6			Jones
7			Onslow
8	5	6	New Hanover
9			Pender
10	6A	2	Halifax
11	6B	3	Northampton
12			Bertie
13			Hertford
14	7	7	Nash
15			Edgecombe
16			Wilson
17	8	6	Wayne
18			Greene
19			Lenoir
20	9	4	Granville
21			(part of Vance
22			see subsection (b))
23			Franklin
24	9A	2	Person
25			Caswell
26	9B	1	Warren
27			(part of Vance
28			see subsection (b))
29	10	13	Wake
30	11	7	Harnett
31			Johnston
32			Lee
33	12	9	Cumberland
34	13	5	Bladen
35			Brunswick
36			Columbus
37	14	6	Durham
38	15A	3	Alamance
39	15B	4	Orange
40			Chatham
41	16A	3	Scotland
42			Hoke
43	16B	5	Robeson
44	17A	2	Rockingham

1	17B	3	Stokes
2			Surry
3	18	11	Guilford
4	19A	3	Cabarrus
5	19B	6	Montgomery
6			Moore
7			Randolph
8	19C	4	Rowan
9	20	7	Stanly
10			Union
11			Anson
12			Richmond
13	21	8	Forsyth
14	22	8	Alexander
15			Davidson
16			Davie
17			Iredell
18	23	4	Alleghany
19			Ashe
20			Wilkes
21			Yadkin
22	24	4	Avery
23			Madison
24			Mitchell
25			Watauga
26			Yancey
27	25	8	Burke
28			Caldwell
29			Catawba
30	26	15	Mecklenburg
31	27A	5	Gaston
32	27B	4	Cleveland
33			Lincoln
34	28	5	Buncombe
35	29	6	Henderson
36			McDowell
37			Polk
38			Rutherford
39			Transylvania
40	30 <u>30A</u>	4 <u>2</u>	Cherokee
41			Clay
42			Graham
43			Haywood
44			Jackson

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Macon
~~Swain: Swain~~
Haywood
Jackson."

Section 2. The district court judgeships established for District 30A by Section 1 of this act shall be filled by the district court judges from current District 30 who reside in Cherokee and Swain Counties. The term of the judge residing in Cherokee County expires the first Monday in December of 2000. That judge's successor shall be elected in the 2000 election from within new District 30A. The term of the judge residing in Swain County expires the first Monday in December of 2002. That judge's successor shall be elected in the 2002 election.

Section 3. The district court judgeships established for District 30B by Section 1 of this act shall be filled by the district court judges from current District 30 who reside in Haywood County. The term of one of the judges residing in Haywood County expires the first Monday in December of 2000. That judge's successor shall be elected in the 2000 election from within new District 30B. The term of the other judge residing in Haywood County expires the first Monday in December of 2002. That judge's successor shall be elected in the 2002 election.

Section 4. G.S. 7A-60(a1) reads as rewritten:

"(a1) The counties of the State are organized into prosecutorial districts, and each district has the counties and the number of full-time assistant district attorneys set forth in the following table:

Prosecutorial District	Counties	No. of Full-Time Asst. District Attorneys
1	Camden, Chowan, Currituck, Dare, Gates, Pasquotank, Perquimans	9
2	Beaufort, Hyde, Martin, Tyrrell, Washington	5
3A	Pitt	9
3B	Carteret, Craven, Pamlico	10
4	Duplin, Jones, Onslow, Sampson	14
5	New Hanover, Pender	13
6A	Halifax	4
6B	Bertie, Hertford, Northampton	4
7	Edgecombe, Nash, Wilson	15
8	Greene, Lenoir, Wayne	11
9	Franklin, Granville, Vance, Warren	10
9A	Person, Caswell	4

1	10	Wake	28
2	11	Harnett, Johnston, Lee	14
3	12	Cumberland	17
4	13	Bladen, Brunswick, Columbus	9
5	14	Durham	13
6	15A	Alamance	7
7	15B	Orange, Chatham	7
8	16A	Scotland, Hoke	5
9	16B	Robeson	9
10	17A	Rockingham	5
11	17B	Stokes, Surry	5
12	18	Guilford	26
13	19A	Cabarrus	5
14	19B	Montgomery, Moore, Randolph	11
15	19C	Rowan	5
16	20	Anson, Richmond,	14
17		Stanly, Union	
18	21	Forsyth	17
19	22	Alexander, Davidson, Davie,	16
20		Iredell	
21	23	Alleghany, Ashe, Wilkes,	5
22		Yadkin	
23	24	Avery, Madison, Mitchell,	4
24		Watauga, Yancey	
25	25	Burke, Caldwell, Catawba	14
26	26	Mecklenburg	32
27	27A	Gaston	12
28	27B	Cleveland,	8
29		Lincoln	
30	28	Buncombe	10
31	29	Henderson, McDowell, Polk,	11
32		Rutherford, Transylvania	
33	30 30A	Cherokee, Clay, Graham,	8 4
34		Haywood, Jackson, Macon,	
35		Swain. Swain	
36	30B	<u>Haywood, Jackson</u>	4."

37 Section 5. The district attorney position established for District 30B by
 38 Section 4 of this act shall be filled by the district attorney from current District 30 who
 39 resides in Haywood County. The district attorney position established for District 30A
 40 by Section 4 of this act shall be elected in the 2000 election.

41 Section 6. The four assistant district attorney positions established for
 42 District 30A by Section 4 of this act shall be filled by four assistant district attorneys
 43 currently serving Cherokee, Clay, Graham, Macon, and Swain Counties in current
 44 District 30. The four assistant district attorney positions established for District 30B by

1 Section 4 of this act shall be filled by four assistant district attorneys currently serving
2 Haywood and Jackson Counties in current District 30.

3 Section 7. G.S. 7A-69 reads as rewritten:

4 "**§ 7A-69. Investigatorial assistants.**

5 The district ~~attorney~~ attorneys in prosecutorial districts 1, 3B, 4, 6B, 7, 8, 10, 11, 12,
6 13, 14, 15A, 15B, 18, 19B, 20, 21, 24, 25, 26, 27A, 27B, 28, 29, ~~and 30~~ is 30A, and 30B
7 are entitled to one investigatorial assistant to be appointed by the district attorney and
8 to serve at his pleasure.

9 It shall be the duty of the investigatorial assistant to investigate cases preparatory to
10 trial and to perform such other duties as may be assigned by the district attorney. The
11 investigatorial assistant is entitled to reimbursement for his subsistence and travel
12 expenses to the same extent as State employees generally."

13 Section 8. There is appropriated from the General Fund to the Judicial
14 Department the sum of one hundred ninety-five thousand dollars (\$195,000) for the
15 2000-2001 fiscal year to implement the provisions of this act.

16 Section 9. Sections 1 through 3 of this act become effective the first
17 Monday in December 2000, or the date upon which those sections are approved under
18 section 5 of the Voting Rights Act of 1965, whichever is later. Sections 4 through 8 of
19 this act become effective January 1, 2001. The remainder of this act is effective when it
20 becomes law.

**1999 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES**

The following report(s) from standing committee(s) is/are presented:

By Representative(s) **Culpepper** for the Committee on **Rules, Calendar and Operations of the House.**

- Committee Substitute for
H.B. 499 A BILL TO BE ENTITLED AN ACT TO DIVIDE DISTRICT COURT
DISTRICT 30 AND PROSECUTORIAL DISTRICT 30 INTO DISTRICTS 30A AND 30B.
- With a favorable report.
- With a favorable report and recommendation that the bill be re-referred to the Committee on
Appropriations Finance .
- With a favorable report, as amended.
- With a favorable report, as amended, and recommendation that the bill be re-referred to the
Committee on Appropriations Finance .
- With a favorable report as to committee substitute bill (#), which changes the title,
unfavorable as to (original bill) (Committee Substitute Bill #), (and recommendation
that the committee substitute bill #) be re-referred to the Committee on .)
- With a favorable report as to House committee substitute bill (#), which changes
the title, unfavorable as to Senate committee substitute bill.
- With an unfavorable report.
- With recommendation that the House concur.
- With recommendation that the House do not concur.
- With recommendation that the House do not concur; request conferees.
- With recommendation that the House concur; committee believes bill to be material.
- With an unfavorable report, with a Minority Report attached.
- Without prejudice.
- With an indefinite postponement report.
- With an indefinite postponement report, with a Minority Report attached.
- With recommendation that it be adopted. (HOUSE RESOLUTION ONLY)

2/24/99

*without prejudice
re-referred to App.*

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1999

H

1

HOUSE BILL 526

Short Title: 15A Assist. Dist. Attorneys/Funds.

(Public)

Sponsors: Representatives Allred; and Teague (Primary Sponsors).

Referred to: Rules, Calendar and Operations of the House.

March 22, 1999

1 A BILL TO BE ENTITLED
2 AN ACT TO APPROPRIATE FUNDS FOR TWO ASSISTANT DISTRICT
3 ATTORNEYS IN PROSECUTORIAL DISTRICT 15A.

4 The General Assembly of North Carolina enacts:

5 Section 1. G.S. 7A-60(a1) reads as rewritten:

6 "(a1) The counties of the State are organized into prosecutorial districts, and each
7 district has the counties and the number of full-time assistant district attorneys set
8 forth in the following table:

9

10			No. of Full-Time
11	Prosecutorial		Asst. District
12	District	Counties	Attorneys
13	1	Camden, Chowan, Currituck,	9
14		Dare, Gates, Pasquotank,	
15		Perquimans	
16	2	Beaufort, Hyde, Martin,	5
17		Tyrrell, Washington	
18	3A	Pitt	9
19	3B	Carteret, Craven, Pamlico	10
20	4	Duplin, Jones, Onslow,	14
21		Sampson	
22	5	New Hanover, Pender	13
23	6A	Halifax	4
24	6B	Bertie, Hertford,	4

1		Northampton	
2	7	Edgecombe, Nash, Wilson	15
3	8	Greene, Lenoir, Wayne	11
4	9	Franklin, Granville,	10
5		Vance, Warren	
6	9A	Person, Caswell	4
7	10	Wake	28
8	11	Harnett, Johnston, Lee	14
9	12	Cumberland	17
10	13	Bladen, Brunswick, Columbus	9
11	14	Durham	13
12	15A	Alamance	7 <u>9</u>
13	15B	Orange, Chatham	7
14	16A	Scotland, Hoke	5
15	16B	Robeson	9
16	17A	Rockingham	5
17	17B	Stokes, Surry	5
18	18	Guilford	26
19	19A	Cabarrus	5
20	19B	Montgomery, Moore, Randolph	11
21	19C	Rowan	5
22	20	Anson, Richmond,	14
23		Stanly, Union	
24	21	Forsyth	17
25	22	Alexander, Davidson, Davie,	16
26		Iredell	
27	23	Alleghany, Ashe, Wilkes,	5
28		Yadkin	
29	24	Avery, Madison, Mitchell,	4
30		Watauga, Yancey	
31	25	Burke, Caldwell, Catawba	14
32	26	Mecklenburg	32
33	27A	Gaston	12
34	27B	Cleveland,	8
35		Lincoln	
36	28	Buncombe	10
37	29	Henderson, McDowell, Polk,	11
38		Rutherford, Transylvania	
39	30	Cherokee, Clay, Graham,	8
40		Haywood, Jackson, Macon,	
41		Swain."	

42 Section 2. There is appropriated from the General Fund to the Judicial
 43 Department the sum of one hundred fifty-five thousand five hundred sixty-eight
 44 dollars (\$155,568) for the 1999-2000 fiscal year and the sum of one hundred forty-

- 1 three thousand three hundred twenty-four dollars (\$143,324) for the 2000-2001 fiscal
2 year to establish the two assistant district attorney positions provided for in this act.
3 Section 3. This act becomes effective July 1, 1999.

TITLE

H 526

DISTRICT	ADA'S	MISD FILES	FELONY FILES	TOTAL FILES	MISD/ADA	FEL/ADA	TOTAL/ADA
15A	7	921	2038	3559	131.57	378.88	508.43
19A	5	817	1002	1819	163.40	200.40	363.80
2	5	942	834	1776	188.40	166.80	355.20
3A	9	1427	1764	3191	158.58	198.00	354.58
25	14	2224	2524	4748	158.86	180.29	339.14
17A	5	903	786	1689	180.80	157.20	337.80
9	10	1149	2221	3370	114.90	222.10	337.00
20	14	2151	2552	4703	153.64	182.29	335.93
19B	11	1387	2255	3642	126.09	205.00	331.09
30	7	823	1403	2226	117.57	200.43	318.00
17B	5	821	758	1579	164.20	151.60	315.80
8A	4	598	651	1247	149.00	162.75	311.75
7	15	1207	3159	4366	80.47	210.60	291.07
6B	4	489	608	1097	122.25	152.00	274.25
27A	12	826	2449	3275	68.83	204.00	272.82
24	4	444	645	1089	111.00	161.25	272.25
13	9	746	1690	2436	82.89	187.78	270.67
8	11	1241	1726	2967	112.82	156.91	269.73
16A	5	388	925	1293	73.60	185.00	258.60
28	32	2679	5520	8199	83.72	172.50	256.22
6A	4	507	515	1022	126.75	128.75	255.50
18	26	804	5526	6330	30.92	212.54	243.46
28	10	670	1749	2419	67.00	174.90	241.90
27B	8	498	1362	1860	62.25	170.25	232.50
1	9	795	1243	2038	88.33	138.11	226.44
4	14	676	2459	3135	48.29	175.64	223.93
29	11	1274	1140	2414	115.82	103.64	219.45
22	16	1355	2073	3428	84.69	129.56	214.25
11	14	781	2172	2953	55.79	155.14	210.93
23	5	540	438	978	108.00	87.20	195.20
16B	9	392	1269	1661	43.56	141.00	184.56
3B	10	737	1084	1821	73.70	108.40	182.10
18C	5	368	526	894	73.60	105.20	178.80
14	12	493	1632	2125	41.08	136.00	177.08
21	16	614	1852	2466	40.93	130.13	171.07
10	28	1837	2812	4649	65.61	100.43	166.04
12	17	290	1951	2241	17.06	114.78	131.82
15B	7	165	605	770	23.57	86.43	110.00
5	43	899	3284	4183	20.91	76.37	97.28

**1999 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES**

The following report(s) from standing committee(s) is/are presented:

By Representative(s) **Culpepper** for the Committee on **Rules, Calendar and Operations of the House**

-
- Committee Substitute for
H.B. 526 A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS FOR TWO ASSISTANT DISTRICT ATTORNEYS IN PROSECUTORIAL DISTRICT 15A.
- With a favorable report.
- With a favorable report and recommendation that the bill be re-referred to the Committee on Appropriations Finance .
- With a favorable report, as amended.
- With a favorable report, as amended, and recommendation that the bill be re-referred to the Committee on Appropriations Finance .
- With a favorable report as to committee substitute bill (#), which changes the title, unfavorable as to (original bill) (Committee Substitute Bill #), (and recommendation that the committee substitute bill #) be re-referred to the Committee on .)
- With a favorable report as to House committee substitute bill (#), which changes the title, unfavorable as to Senate committee substitute bill.
- With an unfavorable report.
- With recommendation that the House concur.
- With recommendation that the House do not concur.
- With recommendation that the House do not concur; request conferees.
- With recommendation that the House concur; committee believes bill to be material.
- With an unfavorable report, with a Minority Report attached.
- Without prejudice and re-referred to the Committee on Appropriations.
- With an indefinite postponement report.
- With an indefinite postponement report, with a Minority Report attached.
- With recommendation that it be adopted. (HOUSE RESOLUTION ONLY)

2/24/99

*Without prejudice
re-referred to Local Govt 1*

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1999

H

1

HOUSE BILL 605

Short Title: Craven County Local Act-2.

(Local)

Sponsors: Representative Thomas.

Referred to: Rules, Calendar and Operations of the House.

March 25, 1999

- 1 A BILL TO BE ENTITLED
2 AN ACT RELATING TO THE GOVERNANCE OF CRAVEN COUNTY.
3 The General Assembly of North Carolina enacts:
4 Section 1. This act applies to Craven County only.
5 Section 2. This act is effective when it becomes law.

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1999

H

D

HOUSE BILL 605
Proposed Committee Substitute H605-PCS2293-LK

Short Title: Craven Convention Ctr. Condemn.

(Local)

Sponsors:

Referred to:

March 25, 1999

1 A BILL TO BE ENTITLED
2 AN ACT TO AUTHORIZE CRAVEN COUNTY TO ACQUIRE REAL
3 PROPERTY BY CONDEMNATION FOR CONVENTION CENTER PURPOSES
4 AND TO ACQUIRE THE FEE OR ANY LESSER INTEREST.
5 The General Assembly of North Carolina enacts:
6 Section 1. G.S. 40A-3(b) reads as rewritten:
7 "(b) Local Public Condemnors. -- For the public use or benefit, the governing
8 body of each municipality or county shall possess the power of eminent domain and
9 may acquire by purchase, gift or condemnation any property, either inside or outside
10 its boundaries, for the following purposes.
11 . . .
12 (10) Establishing, enlarging, or improving publicly owned convention
13 center facilities. The fee or any lesser interest may be condemned
14 for the purpose contained in this subdivision.
15 The board of education of any municipality or county or a combined board may
16 exercise the power of eminent domain under this Chapter for purposes authorized by
17 other statutes.
18 The power of eminent domain shall be exercised by local public condemnors
19 under the procedures of Article 3 of this Chapter."
20 Section 2. This act applies to the County of Craven.
21 Section 3. This act expires November 16, 2002.
22 Section 4. This act is effective when it becomes law.

**1999 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES**

The following report(s) from standing committee(s) is/are presented:

By Representative(s) **Culpepper** for the Committee on **Rules, Calendar and Operations of the House.**

Committee Substitute for
H.B. 605 A BILL TO BE ENTITLED AN ACT RELATING TO THE GOVERNANCE OF
CRAVEN COUNTY.

- With a favorable report.
- With a favorable report and recommendation that the bill be re-referred to the Committee on Appropriations Finance .
- With a favorable report, as amended.
- With a favorable report, as amended, and recommendation that the bill be re-referred to the Committee on Appropriations Finance .
- Without prejudice* With a favorable report as to committee substitute bill (~~#~~), which changes the title, unfavorable as to (original bill) (~~Committee Substitute Bill #~~), (and recommendation that the committee substitute bill # ~~_____~~) be re-referred to the Committee on *Local Govt. 1.*
- With a favorable report as to House committee substitute bill (# _____), which changes the title, unfavorable as to Senate committee substitute bill.
- With an unfavorable report.
- With recommendation that the House concur.
- With recommendation that the House do not concur.
- With recommendation that the House do not concur; request conferees.
- With recommendation that the House concur; committee believes bill to be material.
- With an unfavorable report, with a Minority Report attached.
- Without prejudice.
- With an indefinite postponement report.
- With an indefinite postponement report, with a Minority Report attached.
- With recommendation that it be adopted. (HOUSE RESOLUTION ONLY)

2/24/99

*Without prejudice
re-referred to*

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1999

H

1

HOUSE BILL 698

Short Title: Dist. 19A ADAs/Funds.

(Public)

Sponsors: Representative Moore.

Referred to: Rules, Calendar and Operations of the House.

March 30, 1999

1 A BILL TO BE ENTITLED
2 AN ACT TO APPROPRIATE FUNDS FOR TWO ASSISTANT DISTRICT
3 ATTORNEYS IN PROSECUTORIAL DISTRICT 19A.

4 The General Assembly of North Carolina enacts:

5 Section 1. Effective July 1, 1999, G.S. 7A-60(a1) reads as rewritten:

6 "(a1) The counties of the State are organized into prosecutorial districts, and each
7 district has the counties and the number of full-time assistant district attorneys set
8 forth in the following table:

9

10			No. of Full-Time
11	Prosecutorial		Asst. District
12	District	Counties	Attorneys
13	1	Camden, Chowan, Currituck,	9
14		Dare, Gates, Pasquotank,	
15		Perquimans	
16	2	Beaufort, Hyde, Martin,	5
17		Tyrrell, Washington	
18	3A	Pitt	9
19	3B	Carteret, Craven, Pamlico	10
20	4	Duplin, Jones, Onslow,	14
21		Sampson	
22	5	New Hanover, Pender	13
23	6A	Halifax	4
24	6B	Bertie, Hertford,	4

1		Northampton	
2	7	Edgecombe, Nash, Wilson	15
3	8	Greene, Lenoir, Wayne	11
4	9	Franklin, Granville,	10
5		Vance, Warren	
6	9A	Person, Caswell	4
7	10	Wake	28
8	11	Harnett, Johnston, Lee	14
9	12	Cumberland	17
10	13	Bladen, Brunswick, Columbus	9
11	14	Durham	13
12	15A	Alamance	7
13	15B	Orange, Chatham	7
14	16A	Scotland, Hoke	5
15	16B	Robeson	9
16	17A	Rockingham	5
17	17B	Stokes, Surry	5
18	18	Guilford	26
19	19A	Cabarrus	5 6
20	19B	Montgomery, Moore, Randolph	11
21	19C	Rowan	5
22	20	Anson, Richmond,	14
23		Stanly, Union	
24	21	Forsyth	17
25	22	Alexander, Davidson, Davie,	16
26		Iredell	
27	23	Alleghany, Ashe, Wilkes,	5
28		Yadkin	
29	24	Avery, Madison, Mitchell,	4
30		Watauga, Yancey	
31	25	Burke, Caldwell, Catawba	14
32	26	Mecklenburg	32
33	27A	Gaston	12
34	27B	Cleveland,	8
35		Lincoln	
36	28	Buncombe	10
37	29	Henderson, McDowell, Polk,	11
38		Rutherford, Transylvania	
39	30	Cherokee, Clay, Graham,	8
40		Haywood, Jackson, Macon,	
41		Swain."	

42 Section 2. Effective July 1, 2000, G.S. 7A-60(a1), as rewritten by Section
 43 1 of this act, reads as rewritten:

1 "(a1) The counties of the State are organized into prosecutorial districts, and each
 2 district has the counties and the number of full-time assistant district attorneys set
 3 forth in the following table:

4	5		No. of Full-Time
6	7	8	9
Prosecuratorial	District	Counties	Asst. District Attorneys
1	1	Camden, Chowan, Currituck,	9
2		Dare, Gates, Pasquotank,	
3		Perquimans	
4	2	Beaufort, Hyde, Martin,	5
5		Tyrrell, Washington	
6	3A	Pitt	9
7	3B	Carteret, Craven, Pamlico	10
8	4	Duplin, Jones, Onslow,	14
9		Sampson	
10	5	New Hanover, Pender	13
11	6A	Halifax	4
12	6B	Bertie, Hertford,	4
13		Northampton	
14	7	Edgecombe, Nash, Wilson	15
15	8	Greene, Lenoir, Wayne	11
16	9	Franklin, Granville,	10
17		Vance, Warren	
18	9A	Person, Caswell	4
19	10	Wake	28
20	11	Harnett, Johnston, Lee	14
21	12	Cumberland	17
22	13	Bladen, Brunswick, Columbus	9
23	14	Durham	13
24	15A	Alamance	7
25	15B	Orange, Chatham	7
26	16A	Scotland, Hoke	5
27	16B	Robeson	9
28	17A	Rockingham	5
29	17B	Stokes, Surry	5
30	18	Guilford	26
31	19A	Cabarrus	6 <u>7</u>
32	19B	Montgomery, Moore, Randolph	11
33	19C	Rowan	5
34	20	Anson, Richmond,	14
35		Stanly, Union	
36	21	Forsyth	17
37	22	Alexander, Davidson, Davie,	16

1		Iredell	
2	23	Alleghany, Ashe, Wilkes,	5
3		Yadkin	
4	24	Avery, Madison, Mitchell,	4
5		Watauga, Yancey	
6	25	Burke, Caldwell, Catawba	14
7	26	Mecklenburg	32
8	27A	Gaston	12
9	27B	Cleveland,	8
10		Lincoln	
11	28	Buncombe	10
12	29	Henderson, McDowell, Polk,	11
13		Rutherford, Transylvania	
14	30	Cherokee, Clay, Graham,	8
15		Haywood, Jackson, Macon,	
16		Swain."	

17 Section 3. There is appropriated from the General Fund to the Judicial
18 Department the sum of seventy-seven thousand seven hundred eighty-four dollars
19 (\$77,784) for the 1999-2000 fiscal year and the sum of one hundred forty-nine
20 thousand four hundred forty-six dollars (\$149,446) for the 2000-2001 fiscal year to
21 establish the two assistant district attorney positions provided for in this act.

22 Section 4. Section 2 of this act becomes effective July 1, 2000. The
23 remainder of this act becomes effective July 1, 1999.

**1999 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES**

The following report(s) from standing committee(s) is/are presented:

By Representative(s) **Culpepper** for the Committee on **Rules, Calendar and Operations of the House.**

Committee Substitute for

H.B. 698 A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS FOR TWO ASSISTANT DISTRICT ATTORNEYS IN PROSECUTORIAL DISTRICT 19A.

With a favorable report.

With a favorable report and recommendation that the bill be re-referred to the Committee on Appropriations Finance .

With a favorable report, as amended.

With a favorable report, as amended, and recommendation that the bill be re-referred to the Committee on Appropriations Finance .

With a favorable report as to committee substitute bill (#), which changes the title, unfavorable as to (original bill) (Committee Substitute Bill #), (and recommendation that the committee substitute bill #) be re-referred to the Committee on .)

With a favorable report as to House committee substitute bill (#), which changes the title, unfavorable as to Senate committee substitute bill.

With an unfavorable report.

With recommendation that the House concur.

With recommendation that the House do not concur.

With recommendation that the House do not concur; request conferees.

With recommendation that the House concur; committee believes bill to be material.

With an unfavorable report, with a Minority Report attached.

Without prejudice and re-referred to the Committee on Appropriations.

With an indefinite postponement report.

With an indefinite postponement report, with a Minority Report attached.

With recommendation that it be adopted. (HOUSE RESOLUTION ONLY)

2/24/99

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1999

H

1

HOUSE BILL 787

Short Title: Mecklenburg County Local Act.

(Local)

Sponsors: Representative McMahan.

Referred to: Rules, Calendar and Operations of the House.

April 1, 1999

- 1 A BILL TO BE ENTITLED
2 AN ACT RELATING TO MECKLENBURG COUNTY.
3 The General Assembly of North Carolina enacts:
4 Section 1. This act relates to Mecklenburg County.
5 Section 2. This act is effective when it becomes law.

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1999

H

D

HOUSE BILL 787
Proposed Committee Substitute H787-PCS7195-RN

Short Title: Charlotte/Mecklenburg School Construction.

(Local)

Sponsors:

Referred to:

April 1, 1999

1 A BILL TO BE ENTITLED
2 AN ACT TO PROVIDE FOR FLEXIBILITY IN SCHOOL CONSTRUCTION AND
3 REPAIR CONTRACTS FOR CHARLOTTE/MECKLENBURG SCHOOLS.

4 The General Assembly of North Carolina enacts:

5 Section 1. Prequalified bidders; solicited bid list. -- Notwithstanding G.S.
6 143-129, the Charlotte/Mecklenburg Board of Education ("Board") may prequalify a
7 limited number of contractors for a school facility construction, rebuilding, or
8 renovation contract ("contract" and "project") and solicit bids from some or all of
9 those prequalified contractors. The Board must attempt to prequalify and solicit
10 sealed bids from at least five contractors and may not award a contract pursuant to
11 this section unless it receives at least three bids from the group of prequalified
12 contractors. The five-bid solicitation target and the three-proposal rule apply to each
13 subdivision of work specified in G.S. 143-128(a) if the project is bid under the
14 separate prime or dual bidding systems authorized under G.S. 143-128(b), (d), and
15 (d1).

16 The Board shall award the contract or contracts to the lowest responsible
17 bidder or bidders, taking into consideration quality, performance, and the time
18 specified in the bids for the performance of the project. Notwithstanding the first
19 paragraph of this section, if the Board does not receive three or more proposals, it
20 may again seek proposals for the project pursuant to this section and may award the
21 contract to the lowest responsible bidder, even if only one proposal is received.

22 In prequalifying a contractor for purposes of this section, the Board may
23 consider the contractor's relevant experience on the type of project to be bid, ability

1 to meet the project schedule, financial strength, and the contractor's failure to
2 perform satisfactorily on past projects or a current project. The Board's
3 consideration of these factors shall be based upon objective information provided in
4 the public record of the prequalification process. The Board must notify a
5 disqualified bidder at least seven days prior to the opening of bids.

6 This section applies only to renovation, repair, and rebuilding projects.

7 Section 2. Construction management. -- Notwithstanding G.S. 143-128,
8 143-129, and 143-132, the Board may contract with a construction manager to manage
9 and assume liability for the completion of a project. The construction manager shall
10 be selected in the same manner that architects and engineers are selected pursuant to
11 Article 3D of Chapter 143 of the General Statutes. If the Board receives bids under
12 the separate-prime system and contracts with a construction manager who will be
13 liable for the completion of the project, the Board may combine the lowest
14 responsible bids in each subdivision of work into a single contract to be administered
15 by the construction manager.

16 Section 3. Design-build. -- Notwithstanding G.S. 143-128, 143-129, and
17 143-132, the Board may use the design-build method of construction as follows:

18 (1) The Board must seek to prequalify and solicit at least five design-
19 build teams to bid on the project and must receive sealed proposals
20 from at least three of those teams. The request for proposals must
21 contain a design criteria package that defines the project scope,
22 including preliminary design and performance specifications, in a
23 manner sufficient to allow the bidders to respond. This package
24 should be developed by an architect.

25 (2) The Board shall interview at least three of the design-build teams
26 that submit proposals. The Board shall award the contract to the
27 best qualified team, taking into account the time of completion of
28 the project and the cost of the project as the major factors.

29 Section 4. Other methods. -- Nothing in this act limits the Board's use of
30 any method of contracting already authorized by law under Articles 3D and 8 of
31 Chapter 143 of the General Statutes.

32 Section 5. Project bundling. -- The Board may award a single contract
33 pursuant to this act covering multiple facilities and sites, except that all facilities for
34 which such contract is awarded under this act for new construction must be in the
35 same grade level (elementary school, middle school, or high school) unless the
36 facilities are part of a single campus.

37 Section 6. This act is effective when it becomes law.

**1999 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES**

The following report(s) from standing committee(s) is/are presented:

By Representative(s) **Culpepper** for the Committee on **Rules, Calendar and Operations of the House.**

Committee Substitute for

H.B. 787 A BILL TO BE ENTITLED AN ACT RELATING TO MECKLENBURG COUNTY.

With a favorable report.

With a favorable report and recommendation that the bill be re-referred to the Committee on Appropriations Finance .

With a favorable report, as amended.

With a favorable report, as amended, and recommendation that the bill be re-referred to the Committee on Appropriations Finance .

Without prejudice
~~With a favorable report~~ as to committee substitute bill (#), which changes the title, unfavorable as to ~~(original bill) (Committee Substitute Bill #~~), (and recommendation that the committee substitute bill #) be re-referred to the Committee on *Local Govt. 1.*

With a favorable report as to House committee substitute bill (#), which changes the title, unfavorable as to Senate committee substitute bill.

With an unfavorable report.

With recommendation that the House concur.

With recommendation that the House do not concur.

With recommendation that the House do not concur; request conferees.

With recommendation that the House concur; committee believes bill to be material.

With an unfavorable report, with a Minority Report attached.

Without prejudice.

With an indefinite postponement report.

With an indefinite postponement report, with a Minority Report attached.

With recommendation that it be adopted. (HOUSE RESOLUTION ONLY)

2/24/99

FOR JOURNAL USE ONLY

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

____ The (committee substitute) bill/resolution (, as amended,) is (ordered engrossed and) re-referred to the Committee on _____.

____ The bill/resolution is re-referred to the Committee on _____.

____ On motion of (Rep. _____,) (the Chair,) the (committee substitute) bill/resolution is (ordered engrossed and) re-referred to the Committee on _____.

____ Pursuant to Rule 36(b), the (House)committee substitute bill (No. ____)/resolution is placed on the Calendar of _____. (The original bill) (House Committee Substitute Bill No. ____)/resolution is placed on the Unfavorable Calendar.

____ On motion of Rep. _____, (the rules are suspended) (Rule ____ is suspended) and the bill/resolution is placed on today's calendar. (for immediate consideration.)

____ On motion of Rep. _____, Committee Amendment No.(s) _____ is/are adopted (by EV _____).

____ On motion of Rep. _____, Committee Amendment No.(s) _____ is/are adopted (by EV _____).

____ Rep. _____ offers Amendment No. _____ which (is adopted.) (fails of adoption.) (by EV _____) () This amendment changes the title.

____ The bill/resolution (, as amended,) passes its second reading (by following vote, ____ RC) (, by EV _____,) and (remains on the Calendar,) (and there being no objection is read a third time).

____ The bill/resolution (, as amended,) passes its third reading (by the following vote, ____ RC) (, by EV _____,) and is ordered
____ sent to the Senate.
____ without engrossment. ____ by Special message.
____ sent to the Senate for concurrence in
____ House amendment (s).
____ House committee substitute.
____ enrolled.

____ On motion of Rep. _____, the House concurs in the (material) Senate _____ (by the following vote, ____ RC) (, by EV _____,) and the bill is ordered enrolled.

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1999

H

1

HOUSE BILL 992

Short Title: Indigent Def. Funds Limit.

(Public)

Sponsors: Representatives Clary; Arnold, Baker, Brubaker, Cansler, Capps, Davis, Decker, Ellis, Gray, Gulley, Howard, Kiser, McComas, Morris, Rayfield, Sexton, Sherrill, Starnes, and G. Wilson.

Referred to: Rules, Calendar and Operations of the House.

April 13, 1999.

A BILL TO BE ENTITLED

1
2 AN ACT TO REQUIRE THAT APPROPRIATIONS FOR INDIGENT DEFENSE
3 BE NO GREATER THAN APPROPRIATIONS FOR DISTRICT ATTORNEYS'
4 OFFICES.

5 The General Assembly of North Carolina enacts:

6 Section 1. The total funds appropriated in the State budget to any State
7 department or agency for indigent defense for any fiscal year may not exceed the
8 total funds appropriated for that fiscal year for district attorneys' offices across the
9 State. For purposes of this act, "indigent defense" includes fees for private attorneys,
10 appellate defender services, public defender services, the Guardian Ad Litem
11 program, provision of special counsel to the mentally ill, and the grant to the North
12 Carolina State Bar.

13 Section 2. This act becomes effective July 1, 1999.

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1999

H

1

HOUSE BILL 1117

Short Title: N.H./Pender Judicial Districts.

(Public)

Sponsors: Representative Wright.

Referred to: Rules, Calendar and Operations of the House.

April 15, 1999

1 A BILL TO BE ENTITLED
2 AN ACT TO DIVIDE SUPERIOR COURT DISTRICT 5 INTO A SET OF
3 DISTRICTS.

4 The General Assembly of North Carolina enacts:

5 Section 1. G.S. 7A-41(a) reads as rewritten:

6 "(a) The counties of the State are organized into judicial divisions and superior
7 court districts, and each superior court district has the counties, and the number of
8 regular resident superior court judges set forth in the following table, and for districts
9 of less than a whole county, as set out in subsection (b) of this section:

10	Judicial	Superior		
11	Division	Court	Counties	No. of Resident
12		District		Judges
13				
14	First	1	Camden, Chowan,	2
15			Currituck,	
16			Dare, Gates,	
17			Pasquotank,	
18			Perquimans	
19		2	Beaufort, Hyde,	1
20			Martin,	
21			Tyrrell, Washington	
22		3A	Pitt	2
23		3B	Carteret, Craven,	2
24			Pamlico	

1	4A	Duplin, Jones,	1
2		Sampson	
3	4B	Onslow	1
4	<u>5 5A</u>	<u>(part of New Hanover,</u>	<u>3 1</u>
5		<u>part of Pender</u>	
6		<u>see subsection (b))</u>	
7	<u>5B</u>	<u>(part of New Hanover,</u>	<u>1</u>
8		<u>part of Pender</u>	
9		<u>see subsection (b))</u>	
10	<u>5C</u>	<u>(part of New Hanover</u>	<u>1</u>
11		<u>see subsection (b))</u>	
12	6A	Halifax	1
13	6B	Bertie, Hertford,	1
14		Northampton	
15	7A	Nash	1
16	7B	(part of Wilson,	1
17		part of Edgecombe,	
18		see subsection (b))	
19	7C	(part of Wilson,	1
20		part of Edgecombe,	
21		see subsection (b))	
22	8A	Lenoir and Greene	1
23	8B	Wayne	1
24	Second 9	Franklin, Granville,	2
25		Vance, Warren	
26	9A	Person, Caswell	1
27	10A	(part of Wake,	2
28		see subsection (b))	
29	10B	(part of Wake,	2
30		see subsection (b))	
31	10C	(part of Wake,	1
32		see subsection (b))	
33	10D	(part of Wake,	1
34		see subsection (b))	
35	11A	Harnett,	1
36		Lee	
37	11B	Johnston	1
38	12A	(part of Cumberland,	1
39		see subsection (b))	
40	12B	(part of Cumberland,	1
41		see subsection (b))	
42	12C	(part of Cumberland,	2
43		see subsection (b))	
44	13	Bladen, Brunswick,	2

1		Columbus	
2	14A	(part of Durham,	1
3		see subsection (b))	
4	14B	(part of Durham,	3
5		see subsection (b))	
6	15A	Alamance	2
7	15B	Orange, Chatham	1
8	16A	Scotland, Hoke	1
9	16B	Robeson	2
10	Third 17A	Rockingham	2
11	17B	Stokes, Surry	2
12	18A	(part of Guilford,	1
13		see subsection (b))	
14	18B	(part of Guilford,	1
15		see subsection (b))	
16	18C	(part of Guilford,	1
17		see subsection (b))	
18	18D	(part of Guilford,	1
19		see subsection (b))	
20	18E	(part of Guilford,	1
21		see subsection (b))	
22	19A	Cabarrus	1
23	19B	Montgomery,	2
24		Moore,	
25		Randolph	
26	19C	Rowan	1
27	20A	Anson,	1
28		Richmond	
29	20B	Stanly, Union	2
30	21A	(part of Forsyth,	1
31		see subsection (b))	
32	21B	(part of Forsyth,	1
33		see subsection (b))	
34	21C	(part of Forsyth,	1
35		see subsection (b))	
36	21D	(part of Forsyth,	1
37		see subsection (b))	
38	22	Alexander, Davidson,	2
39		Davie, Iredell	
40	23	Alleghany, Ashe,	1
41		Wilkes, Yadkin	
42	Fourth 24	Avery, Madison,	1
43		Mitchell,	
44		Watauga, Yancey	

1	25A	Burke, Caldwell	2
2	25B	Catawba	2
3	26A	(part of Mecklenburg,	2
4		see subsection (b))	
5	26B	(part of Mecklenburg,	2
6		see subsection (b))	
7	26C	(part of Mecklenburg,	2
8		see subsection (b))	
9	27A	Gaston	2
10	27B	Cleveland, Lincoln	2
11	28	Buncombe	2
12	29	Henderson,	2
13		McDowell, Polk,	
14		Rutherford,	
15		Transylvania	
16	30A	Cherokee, Clay,	1
17		Graham, Macon,	
18		Swain	
19	30B	Haywood, Jackson	1"

Section 2. G.S. 7A-41(b) is amended by adding three new subdivisions to

read:

- "(23) Superior Court District 5A consists of the New Hanover County precincts of Cape Fear #1, Cape Fear #2, Harnett #1, Harnett #4, Harnett #6, Wilmington #1, Wilmington #2, Wilmington #3, Wilmington #4, Wilmington #6, Wilmington #7, Wilmington #8, Wilmington #9, Wilmington #10, Wilmington #15, Wilmington #19, and the part of Harnett #7 that consists of the part of Block Group 6 of 1990 Census Tract 0116.02 containing Blocks 601B, 602B, 603, 611, 612, 613, 614, 615, 616, 617, 618, 619; and the Pender County precincts of Canetuck, Caswell, Columbia, Grady, Upper Holly, and Upper Union. It has one judge.
- (24) Superior Court District 5B consists of the New Hanover County precincts of Cape Fear #3, Harnett #2, Harnett #5, the part of Harnett #7 that is not in Superior Court District 5A, Harnett #8, Wrightsville Beach, Wilmington #11, Wilmington #12, Wilmington #13, Wilmington #22, Wilmington #24, and the part of Harnett #3 that consists of the part of Block Group 1 of 1990 Census Tract 0119.01 containing Blocks 102, 105, 106A, 106B, 107A, 107B, 107C, 107D, and 108, the part of Block Group 1 of 1990 Census Tract 0119.02 containing Blocks 103, 104, and 114, and the part of Block Group 1 of 1990 Census Tract 0120.01 containing Blocks 101A, 101B, 101C, 101D, 102A, 102B, 103, 104, 105A, 105B, 115A, and 115B; and the following precincts of

1 Pender County: North Burgaw, South Burgaw, Middle Holly,
2 Long Creek, Penderlea, Lower Union, Rocky Point, Lower
3 Topsail, Upper Topsail, Scotts Hill, and Surf City. It has one
4 judge.
5 (25) Superior Court District 5C consists of the part of New Hanover
6 County that is not in Superior Court Districts 5A or 5B. It has
7 one judge."
8 Section 3. G.S. 7A-41(c) is amended by adding a new subdivision to
9 read:
10 "(7) The names and boundaries of precincts in New Hanover and
11 Pender Counties are those in existence on May 1, 1999."
12 Section 4. This act becomes effective January 1, 2003, and applies to the
13 2002 election.

**1999 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES**

The following report(s) from standing committee(s) is/are presented:

By Representative(s) **Culpepper** for the Committee on **Rules, Calender and Operations of the House.**

Committee Substitute for

H.B. 1117 A BILL TO BE ENTITLED AN ACT TO DIVIDE SUPERIOR COURT DISTRICT 5 INTO A SET OF DISTRICTS.

- With a favorable report.
- With a favorable report and recommendation that the bill be re-referred to the Committee on Appropriations Finance .
- With a favorable report, as amended.
- With a favorable report, as amended, and recommendation that the bill be re-referred to the Committee on Appropriations Finance .
- With a favorable report as to committee substitute bill (#), which changes the title, unfavorable as to (original bill) (Committee Substitute Bill #), (and recommendation that the committee substitute bill #) be re-referred to the Committee on .)
- With a favorable report as to House committee substitute bill (#), which changes the title, unfavorable as to Senate committee substitute bill.
- With an unfavorable report.
- With recommendation that the House concur.
- With recommendation that the House do not concur.
- With recommendation that the House do not concur; request conferees.
- With recommendation that the House concur; committee believes bill to be material.
- With an unfavorable report, with a Minority Report attached.
- Without prejudice and be re-referred to the Committee on Appropriations.
- With an indefinite postponement report.
- With an indefinite postponement report, with a Minority Report attached.
- With recommendation that it be adopted. (HOUSE RESOLUTION ONLY)

2/24/99

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1999

H

1

HOUSE BILL 736

Short Title: Plymouth Local Act-1.

(Local)

Sponsors: Representative Rogers.

Referred to: Rules, Calendar and Operations of the House.

March 30, 1999

- 1 A BILL TO BE ENTITLED
2 AN ACT RELATING TO THE TOWN OF PLYMOUTH.
3 The General Assembly of North Carolina enacts:
4 Section 1. This act relates to the Town of Plymouth.
5 Section 2. This act is effective when it becomes law.

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1999

H

D

HOUSE BILL
Proposed Committee Substitute
HOPT-CSRN-001

Short Title: Optometry Licensing Law Technical Changes. (Public)

Sponsors:

Referred to: Rules.

1 A BILL TO BE ENTITLED
 2 A BILL TO BE ENTITLED AN ACT TO MAKE TECHNICAL CHANGES TO THE
 3 OPTOMETRY LICENSING LAWS.
 4 The General Assembly of North Carolina enacts:
 5 Section 1. G.S. 90-115.1(5) is repealed.
 6 Section 2. G.S. 90-116 reads as rewritten:
 7 §90-116. Board of Examiners in Optometry.
 8 In order to properly regulate the practice of optometry, there
 9 is established a North Carolina State Board of Examiners in
 10 Optometry, which shall consist of five regularly graduated
 11 optometrists who have been engaged in the practice of optometry
 12 in this State for at least five years and two members to
 13 represent the public at large.
 14 No public member shall at any time be a health care provider,
 15 be related to or be the spouse of a health care provider, or have
 16 any pecuniary interest in the profitability of a health care
 17 provider. For purposes of this section, the term "health care
 18 provider" ~~shall have the same meaning as provided in G.S.~~
 19 ~~58-47-5(4).~~ means any (i) licensed health care professional and
 20 any agent or employee of any health care institution, health care
 21 insurer, health care professional school, or a member of any
 22 allied health profession or (ii) any person enrolled in a program
 23 in preparation for licensing as a health care provider or allied

1 health professional. The Governor shall appoint the two public
2 members not later than July 1, 1981.

3 The optometric members of the Board shall be appointed by the
4 Governor from a list provided by the North Carolina State
5 Optometric Society. For each vacancy, the society must submit at
6 least three names to the Governor. The society shall establish
7 procedures for the nomination and election of optometrist members
8 of the Board. These procedures shall be adopted under the
9 rule-making procedures described in Article 2, Chapter 150B of
10 the General Statutes, and notice of the proposed procedures shall
11 be given to all licensed optometrists residing in North Carolina.
12 Such procedures shall not conflict with the provisions of this
13 section. Every optometrist with a current North Carolina license
14 residing in the State shall be eligible to vote in all such
15 elections, and the list of licensed optometrists shall constitute
16 the registration list for elections. Any decision of the society
17 relative to the conduct of such elections may be challenged by
18 civil action in the Wake County Superior Court. A challenge must
19 be filed not later than 30 days after the society has rendered
20 the decision in controversy, and all such cases shall be heard de
21 novo.

22 All Board members serving on June 30, 1981, shall be eligible
23 to complete their respective terms. No member appointed to a term
24 on or after July 1, 1981, shall serve more than two complete
25 consecutive five-year terms, except that each member shall serve
26 until his successor is chosen and qualifies.

27 The Governor may remove any member for good cause shown. Any
28 vacancy in the optometrist membership of the Board shall be
29 filled for the period of the unexpired term by the Governor from
30 a list of at least three names submitted by the North Carolina
31 State Optometric Society Executive Council. Any vacancy in the
32 public membership of the Board shall be filled by the Governor
33 for the unexpired term."

34 Section 3. G.S. 90-119 is repealed.

35 Section 4. G.S. 90-122 reads as rewritten:

36 "\$90-122. Compensation and expenses of Board.

37 Each member of the North Carolina State Board of Examiners in
38 Optometry shall receive as compensation for his services in the
39 performance of his duties under this Article a sum not exceeding
40 fifty dollars (\$50.00) for each day actually engaged in the
41 performance of the duties of his office, said per diem to be
42 fixed by said Board, and all legitimate and necessary expenses
43 incurred in attending meetings of the said Board.

1 ~~The secretary-treasurer shall, as compensation for his~~
2 ~~services, both as secretary-treasurer of the Board and a member~~
3 ~~thereof, be allowed a reasonable annual salary to be fixed by the~~
4 ~~Board and shall, in addition thereto, receive all legitimate and~~
5 ~~necessary expenses incurred by him in attending meetings of the~~
6 ~~Board and in the discharge of the duties of his office.~~

7 All per diem allowances and all expenses paid as herein
8 provided shall be paid upon voucher drawn by the
9 ~~secretary-treasurer of the Board who shall likewise draw voucher~~
10 ~~payable to himself for the salary fixed for him by the Board.~~
11 Executive Director of the Board in accordance with Board policy.

12 The Board is authorized and empowered to expend from funds
13 collected hereunder such additional sum or sums as it may
14 determine necessary in the administration and enforcement of this
15 Article, and employ such personnel as it may deem requisite to
16 assist in carrying out the administrative functions required by
17 this Article and by the Board."

18 Section 5. This act is effective when it becomes law.

**1999 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES**

The following report(s) from standing committee(s) is/are presented:

By Representative(s) **Culpepper** for the Committee on **Rules, Calendar and Operations of the House.**

Committee Substitute for

H.B. 736 A BILL TO BE ENTITLED AN ACT RELATING TO THE TOWN OF PLYMOUTH.

- With a favorable report.
- With a favorable report and recommendation that the bill be re-referred to the Committee on Appropriations Finance .
- With a favorable report, as amended.
- With a favorable report, as amended, and recommendation that the bill be re-referred to the Committee on Appropriations Finance .
- Without prejudice* ~~With a favorable report~~ as to committee substitute bill (#), which changes the title, unfavorable as to ~~(original bill) (Committee Substitute Bill #~~), (and recommendation that the committee substitute bill #) be re-referred to the Committee on *Heads*.
- With a favorable report as to House committee substitute bill (#), which changes the title, unfavorable as to Senate committee substitute bill.
- With an unfavorable report.
- With recommendation that the House concur.
- With recommendation that the House do not concur.
- With recommendation that the House do not concur; request conferees.
- With recommendation that the House concur; committee believes bill to be material.
- With an unfavorable report, with a Minority Report attached.
- Without prejudice.
- With an indefinite postponement report.
- With an indefinite postponement report, with a Minority Report attached.
- With recommendation that it be adopted. (HOUSE RESOLUTION ONLY)

2/24/99

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1999

H

1

HOUSE BILL 1074

Short Title: Election Law Changes -- 1.

(Public)

Sponsors: Representative Alexander.

Referred to: Rules, Calendar and Operations of the House.

April 15, 1999

- 1 **A BILL TO BE ENTITLED**
2 **AN ACT TO MAKE CHANGES IN THE ELECTION LAWS.**
3 **The General Assembly of North Carolina enacts:**
4 **Section 1. This act is effective when it becomes law.**

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1999

H

D

HOUSE BILL 1074
Proposed Committee Substitute -- H1074-PCSRR-003

Short Title: Election Law Changes -- 1. (Public)

Sponsors:

Referred to: Rules, Calendar and Operations of the House.

April 15, 1999

1 A BILL TO BE ENTITLED
2 AN ACT TO EXEMPT THE STATE BOARD OF ELECTIONS AND ITS EXECUTIVE
3 SECRETARY-DIRECTOR FROM THE ADMINISTRATIVE PROCEDURE ACT; TO
4 REQUIRE THAT A SIGNED VOTER REGISTRATION FORM BE DELIVERED TO
5 THE BOARD OF ELECTIONS BY ANYONE DELEGATED THAT RESPONSIBILITY;
6 TO ESTABLISH THE CLASS 2 MISDEMEANOR OF AN ELECTION OFFICIAL OR
7 EMPLOYEE ALTERING VOTER REGISTRATION RECORDS WITHOUT WRITTEN
8 AUTHORIZATION; AND TO ALLOW COUNTIES TO USE A VOTING PLACE
9 OUTSIDE THE PRECINCT, WITH APPROVAL BY THE STATE BOARD OF
10 ELECTIONS.

11 The General Assembly of North Carolina enacts:
12 -- EXEMPTING THE STATE BOARD OF ELECTIONS AND ITS EXECUTIVE
13 SECRETARY-DIRECTOR FROM THE ADMINISTRATIVE PROCEDURE ACT.

14 Section 1.(a) G.S. 150B-1(c) reads as rewritten:
15 "(c) Full Exemptions. -- This Chapter applies to every agency
16 except:

- 17 (1) The North Carolina National Guard in exercising its
18 court-martial jurisdiction.
- 19 (2) The Department of Health and Human Services in
20 exercising its authority over the Camp Butner
21 reservation granted in Article 6 of Chapter 122C of
22 the General Statutes.
- 23 (3) The Utilities Commission.

- 1 (4) The Industrial Commission.
2 (5) The Employment Security Commission.
3 (6) The State Board of Elections and the Executive
4 Secretary-Director of the State Board of
5 Elections."

6 Section 1.(b) G.S. 163-278.34(a) reads as rewritten:

7 "(a) The State Board shall calculate and assess the amount of
8 the civil penalty due under subsection (a) of this section and
9 shall notify the person who is assessed the civil penalty of the
10 amount. The notice of assessment shall be served by any means
11 authorized under G.S. 1A-1, Rule 4, and shall direct the violator
12 either to pay the assessment or to contest the assessment within
13 30 days by filing a ~~petition for a contested case under Article 3~~
14 ~~of Chapter 150B of the General Statutes.~~ protest or request for
15 waiver of the penalty with the State Board of Elections. If a
16 violator does not pay a civil penalty assessed by the Board
17 within 30 days after it is due, the Board shall request the
18 Attorney General to institute a civil action to recover the
19 amount of the assessment. The civil action may be brought in the
20 superior court of any county where the report was due to be filed
21 or any county where the violator resides or maintains an office.
22 A civil action must be filed within three years of the date the
23 assessment was due. An assessment that is not contested is due
24 when the violator is served with a notice of assessment. An
25 assessment that is contested is due at the conclusion of the
26 administrative and judicial review of the assessment. Consistent
27 with G.S. 115C-437, the State Controller shall pay the clear
28 proceeds of civil penalties collected under this section to the
29 County School Fund in the county in which the person charged with
30 the violation resides. The State Controller shall reduce the
31 monies collected by the enforcement costs and the collection
32 costs to determine the clear proceeds payable to the County
33 School Fund. Monies set aside for the costs of enforcement and
34 the costs of collection shall be credited to accounts of the
35 State Board of Elections."

36 Section 1.(c) This section is effective when this act
37 becomes law. The exemption set forth in subsection (a) of this
38 section applies to any rules promulgated by the State Board of
39 Elections at any time. This section applies to any contested case
40 commenced on or after the date this act becomes law.

41 -- REQUIRING THAT A SIGNED VOTER REGISTRATION FORM BE DELIVERED
42 TO THE BOARD OF ELECTIONS BY ANYONE DELEGATED THAT
43 RESPONSIBILITY.

1 Section 2.(a) Article 7A of Chapter 163 of the General
2 Statutes is amended by adding a new section to read:

3 "§ 163-82.5A. Duty to deliver form executed by another to
4 county board of elections.

5 Any person who has been delegated the responsibility of
6 submitting a signed voter registration application form pursuant
7 to G.S. 163-82.6(a) shall deliver that form to the county board
8 of elections not later than five calendar days after gaining
9 possession of the signed form. No person shall sell or attempt to
10 sell completed voter registration forms or to condition their
11 delivery on payment. A violation of this section is a Class I
12 felony."

13 Section 2.(b) This section becomes effective October 1,
14 1999, and applies to all offenses committed on and after that
15 date.

16 -- ESTABLISHING THE CLASS 2 MISDEMEANOR OF AN ELECTION OFFICIAL
17 OR EMPLOYEE ALTERING VOTER REGISTRATION RECORDS WITHOUT WRITTEN
18 AUTHORIZATION.

19 Section 3.(a) G.S. 163-274 is amended by adding a new
20 subdivision to read:

21 " (1a) For any member, director, or employee of a board of
22 elections to alter a voter registration application
23 or other voter registration record without the
24 written authorization of the applicant or voter;".

25 Section 3.(b) This section becomes effective October 1,
26 1999 and applies to all offenses committed on and after that
27 date.

28 -- ALLOWING COUNTIES TO USE A VOTING PLACE OUTSIDE THE PRECINCT,
29 WITH APPROVAL BY THE STATE BOARD OF ELECTIONS.

30 Section 4.(a) Article 12 of Chapter 163 of the General
31 Statutes is amended by adding a new section to read:

32 "§ 163-130A. Out-of-precinct voting places.

33 A county board of elections, by unanimous vote of all its
34 members, may establish a voting place for a precinct that is
35 located outside that precinct. The county board's proposal is
36 subject to approval by the State Board of Elections. The county
37 board shall submit its proposal in writing to the State Board.
38 Approval by the State Board of Elections of the county's proposed
39 plan shall be conditioned upon the county board of elections's
40 demonstrating that:

41 (1) No facilities adequate to serve as a voting place
42 are located in the precinct;

1 (2) Adequate notification and publicity is provided to
2 notify voters in the precinct of the new polling
3 location;

4 (3) The plan does not unfairly favor or disfavor voters
5 with regard to race or party affiliation; and

6 (4) The new voting place meets all requirements for
7 voting places including accessibility for elderly
8 and disabled voters.

9 Any approval granted by the State Board of Elections for voting
10 place outside the precinct is effective only for one primary and
11 election and must be re-evaluated by the county board of
12 elections and the State Board of Elections annually to determine
13 whether it is still the only available alternative for that
14 precinct."

15 Section 4.(b) This section is effective when this act
16 becomes law and expires January 1, 2002.

17 Section 5. This act is effective when it becomes law.

**1999 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES**

The following report(s) from standing committee(s) is/are presented:

By Representative(s) **Culpepper** for the Committee on **Rules, Calendar and Operations of the House.**

Committee Substitute for

H.B. 1074 A BILL TO BE ENTITLED AN ACT TO MAKE CHANGES IN THE ELECTION LAWS.

With a favorable report.

With a favorable report and recommendation that the bill be re-referred to the Committee on Appropriations Finance .

With a favorable report, as amended.

With a favorable report, as amended, and recommendation that the bill be re-referred to the Committee on Appropriations Finance .

Without prejudice With a favorable report as to committee substitute bill (~~#~~), which changes the title, unfavorable as to ~~(original bill) (Committee Substitute Bill #~~), (and recommendation that the committee substitute bill # ~~_____~~) be re-referred to the Committee on *Election Law & Campaign Finance Reform*.

With a favorable report as to House committee substitute bill (# _____), which changes the title, unfavorable as to Senate committee substitute bill.

With an unfavorable report.

With recommendation that the House concur.

With recommendation that the House do not concur.

With recommendation that the House do not concur; request conferees.

With recommendation that the House concur; committee believes bill to be material.

With an unfavorable report, with a Minority Report attached.

Without prejudice.

With an indefinite postponement report.

With an indefinite postponement report, with a Minority Report attached.

With recommendation that it be adopted. (HOUSE RESOLUTION ONLY)

2/24/99

AGENDA

**HOUSE COMMITTEE ON RULES, CALENDAR AND
OPERATIONS OF THE HOUSE**

**April 21, 1999
Room 421 LOB
1:10 PM**

OPENING REMARKS

Representative Culpepper, Chairman

CONSIDERATION OF BILLS

ACTION TAKEN ON BILLS

ADJOURNMENT

MINUTES OF THE COMMITTEE ON RULES, CALENDAR AND OPERATIONS OF
THE HOUSE

April 21, 1999

The Committee on Rules, Calendar and Operations of the House met on April 21, 1999 at 1:10 p.m. in Room 421 of the Legislative Office Building. The following members were present: Representatives Culpepper, Chairman; Alexander, Allen, Boyd-McIntyre, Crawford, Gulley, Luebke, Michaux, Nye, Tolson and Yongue.

The following bills were considered:

HOUSE BILL 87-AN ACT RELATING TO RICHMOND COUNTY.

Representative Goodwin, bill sponsor, offered a proposed committee substitute which changed the title to AN ACT TO ALLOW RICHMOND COUNTY TO USE ITS LOCAL SALES TAX PROCEEDS FOR ANY LAWFUL PURPOSE. Representative Yongue moved for adoption of the proposed committee substitute, and the motion passed. Concerns were raised as to the exact purpose of the proposed committee substitute, and the chairman ruled that the bill and the proposed committee substitute would be displaced and heard at a future meeting.

HOUSE BILL 1286-AN ACT TO AMEND THE MASS GATHERINGS LAW PERTAINING TO FOOD INSPECTIONS. A proposed committee substitute changing the name to AN ACT TO MODIFY THE EXEMPTION FROM THE "MASS GATHERINGS" STATUTE was offered by Representative Goodwin, the bill sponsor.. Representative Yongue moved for adoption of the proposed committee substitute. The motion carried. The chairman stated that the bill was before the committee for procedural purposes only. Representative Luebke moved that the proposed committee substitute be reported without prejudice, unfavorable to the original bill, and be re-referred to the Committee on Judiciary III. The motion carried.

HOUSE BILL 421-AN ACT TO ROTATE PARTY ALIGNMENT ON THE BALLOT. The bill sponsor, Representative Morris, was recognized and explained that the bill would rotate party alignment on the ballot every two years. Following questions by members of the committee, Representative Crawford made a motion that the bill be reported without prejudice and be re-referred to the Committee on Election Laws & Campaign Finance Reform. The motion carried.

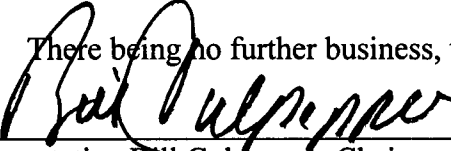
HOUSE BILL 512- AN ACT TO LICENSE ASSISTED LIVING RESIDENCE ADMINISTRATORS. Representative Clary, bill sponsor, offered a proposed committee substitute, and Representative Gulley moved that the proposed committee substitute be adopted for purposes of consideration. Without objection, it was so ordered, The chairman stated that the bill is before the committee procedurally, and Representative Yongue moved that the proposed committee substitute be reported without prejudice, unfavorable to the original bill, and be re-referred to the Committee on Aging, The motion passed.

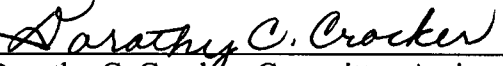
HOUSE BILL 992-AN ACT TO REQUIRE THAT APPROPRIATIONS FOR INDIGENT DEFENSE BE NO GREATER THAN APPROPRIATIONS FOR DISTRICT ATTORNEYS' OFFICES. Representative Clary, bill sponsor, was recognized. She presented a handout (copy attached) showing a breakdown of the general fund budget of the Judicial Department. The handout shows that the indigent defense fund is 16.5% of the Judicial Department's budget and the district attorneys fund is 15%. She explained that the bill would equalize the two funds. A discussion followed after which Representative Crawford moved that the bill be reported without prejudice and be re-referred to the Committee on Appropriations. The motion carried.

HOUSE BILL 419-AN ACT RELATING TO THE 40TH HOUSE DISTRICT. A proposed committee substitute was offered changing the title to AN ACT CONCERNING SATELLITE ANNEXATION AND REMOVING A CERTAIN TRACT OF PROPERTY FROM THE CORPORATE LIMITS OF THE CITY OF MOUNT AIRY. The bill was before the committee procedurally, and Representative Michaux moved that the proposed committee substitute be adopted for purposes of discussion. Without objection, it was so ordered. Representative Hiatt spoke on the bill and stated that it was introduced at the request of the Board of Commissioners of the Town of Mount Airy. Representative Michaux made a motion that the proposed committee substitute be reported without prejudice, unfavorable to the original bill, and be re-referred to the Committee on Local Government II. The motion passed.

HOUSE BILL 639-AN ACT TO PROVIDE FOR AN EXPANSION OF RIGHTS UNDER EXISTING LAW PERTAINING TO GRANDPARENT VISITATION. The chairman and bill sponsor requested Representative Yongue to preside in order for him to further explain the bill which had previously been before the committee on April 15, 1999. Following his comments and questions by members of the committee, the following people spoke on behalf of the bill: Shirley Hassell, representing Grandchildren-Grandparents Rights of North Carolina; Ruby Matthis, also representing the Grandchildren-Grandparents Rights of North Carolina (a copy of her presentation is attached) and Allen Hooper, a grandchild. Speaking in opposition to the bill was Kathy Hartkopf, and a copy of her statement is attached. No vote was taken on the bill.

There being no further business, the meeting adjourned at 2:30 p.m.


Representative Bill Culpepper, Chairman


Dorothy C. Crocker, Committee Assistant

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1999

H

1

HOUSE BILL 1286

Short Title: Mass Gatherings/Food Inspection.

(Public)

Sponsors: Representative Goodwin.

Referred to: Rules, Calendar, and Operations of the House.

April 15, 1999

- 1 A BILL TO BE ENTITLED
2 AN ACT TO AMEND THE MASS GATHERINGS LAW PERTAINING TO
3 FOOD INSPECTIONS.
4 The General Assembly of North Carolina enacts:
5 Section 1. This act is effective when it becomes law.

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1999

H

D

HOUSE BILL 1286
Proposed Committee Substitute H1286-PCS1219-LK

Short Title: Mass Gatherings.

(Public)

Sponsors:

Referred to:

April 15, 1999

1 A BILL TO BE ENTITLED
2 AN ACT TO MODIFY THE EXEMPTION FROM THE "MASS GATHERINGS"
3 STATUTE.
4 The General Assembly of North Carolina enacts:
5 Section 1. G.S. 130A-252(b), as amended by Section 1 of S.L. 1999-3,
6 reads as rewritten:
7 "(b) The provisions of this Part do not apply to permanent stadiums with adjacent
8 campgrounds within one mile that host annual events attracting crowds in excess of
9 70,000 people."
10 Section 2. This act is effective when it becomes law.

ND

**1999 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES**

The following report(s) from standing committee(s) is/are presented:

By Representative(s) **Culpepper** for the Committee on **RULES, CALENDAR AND OPERATIONS OF THE HOUSE..**

Committee Substitute for
H.B. 1286 A BILL TO BE ENTITLED AN ACT TO AMEND THE MASS GATHERINGS
LAW PERTAINING TO FOOD INSPECTIONS.

- With a favorable report.
- With a favorable report and recommendation that the bill be re-referred to the Committee on Appropriations Finance .

With a favorable report, as amended.

With a favorable report, as amended, and recommendation that the bill be re-referred to the Committee on Appropriations Finance .

Without prejudice With a favorable report as to committee substitute bill (#), which changes the title, unfavorable as to (original bill) (~~Committee Substitute Bill #~~), (and recommendation that the committee substitute bill #) be re-referred to the Committee on *Judiciary III.*

With a favorable report as to House committee substitute bill (#), which changes the title, unfavorable as to Senate committee substitute bill.

With an unfavorable report.

With recommendation that the House concur.

With recommendation that the House do not concur.

With recommendation that the House do not concur; request conferees.

With recommendation that the House concur; committee believes bill to be material.

With an unfavorable report, with a Minority Report attached.

Without prejudice.

With an indefinite postponement report.

With an indefinite postponement report, with a Minority Report attached.

With recommendation that it be adopted. (HOUSE RESOLUTION ONLY)

2/24/99

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1999

H

1

HOUSE BILL 421

Short Title: Party Alignment Rotated.

(Public)

Sponsors: Representatives Morris; Baker, Bowie, Howard, McMahan, Setzer, Starnes, and Walend.

Referred to: Rules, Calendar and Operations of the House.

March 11, 1999

1 A BILL TO BE ENTITLED
2 AN ACT TO ROTATE PARTY ALIGNMENT ON THE BALLOT.
3 The General Assembly of North Carolina enacts:
4 Section 1. G.S. 163-140.1 reads as rewritten:
5 "**§ 163-140.1. Political party alignment on ballots.**
6 All ballots printed for use in general elections in the State, district, county or any
7 other political subdivision, shall be aligned with the number of political party
8 columns required pursuant to instructions contained in G.S. 163-140(b) and the
9 columns shall be assigned in ~~strict-alphabetical~~ order, beginning with the left column,
10 to the political parties entitled to ballot position provided such political parties reflect
11 at least five percent (5%) of the total statewide voter registration, according to the
12 latest statistical report published by the State Board of ~~Elections~~. Elections so that
13 such parties rotate order each two years, and if there are more than two eligible
14 parties, then the order among those parties shall be determined by lot, with no party
15 being eligible for the left column for two years after it has had that column. Political
16 parties having less than five percent (5%) of the total statewide voter registration, but
17 otherwise eligible for ballot position shall be assigned column alignment to the right
18 of all other qualified political parties. The State Board of Elections shall be
19 responsible for implementing the procedures required by this section and shall issue
20 instructions to those counties using voting machines so as to accomplish the effect of
21 this section whether such counties utilize voting machines that list party columns in a
22 horizontal or vertical alignment. Every county board of elections shall follow the
23 column alignment prescribed by the State Board of Elections."

1 Section 2. This act becomes effective January 1, 2000. Rotation as
2 required by this act begins in 2000, with the party that had the second to the left
3 column in 1998 and 1999 having the left column in 2000 and 2001.

**1999 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES**

The following report(s) from standing committee(s) is/are presented:

By Representative(s) **Culpepper** for the Committee on **Rules, calendar and Operations of the House.**

- Committee Substitute for
H.B. 421 A BILL TO BE ENTITLED AN ACT TO ROTATE PARTY ALIGNMENT ON
THE BALLOT.
- With a favorable report.
- With a favorable report and recommendation that the bill be re-referred to the Committee on
Appropriations Finance .
- With a favorable report, as amended.
- With a favorable report, as amended, and recommendation that the bill be re-referred to the
Committee on Appropriations Finance .
- With a favorable report as to committee substitute bill (#), which changes the title,
unfavorable as to (original bill) (Committee Substitute Bill #), (and recommendation
that the committee substitute bill #) be re-referred to the Committee on .)
- With a favorable report as to House committee substitute bill (#), which changes
the title, unfavorable as to Senate committee substitute bill.
- With an unfavorable report.
- With recommendation that the House concur.
- With recommendation that the House do not concur.
- With recommendation that the House do not concur; request conferees.
- With recommendation that the House concur; committee believes bill to be material.
- With an unfavorable report, with a Minority Report attached.
- Without prejudice and be re-referred to the Committee on Election Law & Campaign Finance
Reform.
- With an indefinite postponement report.
- With an indefinite postponement report, with a Minority Report attached.
- With recommendation that it be adopted. (HOUSE RESOLUTION ONLY)

2/24/99

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1999

H

1

HOUSE BILL 512

Short Title: Assisted Living Administrators.

(Public)

Sponsors: Representatives Clary; Arnold, Bowie, Brown, Buchanan, Cansler, Carpenter, Creech, Culp, Davis, Decker, Gardner, Gray, Hiatt, Hill, Kiser, McComas, Melton, Mosley, Rayfield, Russell, Sherill, Starnes, Thompson, and G. Wilson.

Referred to: Finance.

March 22, 1999

1 A BILL TO BE ENTITLED
2 AN ACT TO LICENSE ASSISTED LIVING RESIDENCE ADMINISTRATORS.
3 The General Assembly of North Carolina enacts:
4 Section 1. Chapter 90 of the General Statutes is amended by adding a
5 new Article to read:
6 "ARTICLE 20A.
7 "Assisted Living Residence Administrator Act.
8 "§ 90-288.10. Title.
9 This Article shall be known as the Assisted Living Residence Administrator Act.
10 "§ 90-288.11. Purpose.
11 There are a number of assisted living residences located within the State. The
12 residents of these facilities require daily care to attend to their physical, mental, and
13 emotional needs. The administrators of assisted living residences are responsible for
14 the care of these patients. Therefore, licensure of assisted living residence
15 administrators is necessary to ensure adequate levels of care across the State and to
16 protect public health, safety, and welfare.
17 "§ 90-288.12. License required.
18 No person shall perform or offer to perform services as an assisted living residence
19 administrator or as a supervisor-in-charge unless the person has been licensed under
20 the provisions of this Article.
21 "§ 90-288.13. Definitions.

1 The following definitions apply in this Article:

- 2 (1) Administrator-in-training. -- An individual who serves a training
3 period under the supervision of a preceptor.
- 4 (2) Assisted living residence. -- An institution or facility that is defined
5 in G.S. 131D-2(a)(1d), whether proprietary or nonprofit. The term
6 includes institutions or facilities owned or administered by the
7 federal or State government or any agency or political subdivision
8 of the federal or State government.
- 9 (3) Assisted living residence administrator. -- An individual licensed
10 by the Board to operate, administer, manage, and supervise an
11 assisted living residence or to share in the performance of these
12 duties with another person who has been licensed by the Board.
- 13 (4) Board. -- The North Carolina Board of Examiners for Assisted
14 Living Residence Administrators.
- 15 (5) Preceptor. -- An individual who is licensed by the Board as an
16 assisted living residence administrator and who meets the
17 requirements established by the Board to serve as a supervisor of
18 administrators-in-training.
- 19 (6) Supervisor-in-charge. -- An individual who is licensed by the
20 Board (i) to perform management responsibilities in an assisted
21 living residence during the absence of a licensed assisted living
22 residence administrator or (ii) to perform specific management
23 responsibilities in an assisted living residence on a daily basis.

24 **§ 90-288.14. North Carolina Board of Examiners for Assisted Living Residence**
25 **Administrators.**

26 (a) Composition and Terms. -- The North Carolina Board of Examiners for
27 Assisted Living Residence Administrators is created. The Board shall consist of nine
28 members who shall serve staggered terms. The initial Board members shall be
29 appointed as follows:

- 30 (1) The General Assembly, upon the recommendation of the President
31 Pro Tempore of the Senate, shall appoint three members. One
32 member shall be an owner of an assisted living residence or
33 actively engaged in the management of such a residence and shall
34 serve for a term of five years. One member shall be an employee
35 of the Department of Health and Human Services and shall serve
36 for a term of four years. One member shall represent the public
37 and shall serve for a term of three years.
- 38 (2) The General Assembly, upon the recommendation of the Speaker
39 of the House of Representatives, shall appoint three members.
40 Two of the members shall be either an owner of an assisted living
41 residence or actively engaged in the management of such a
42 residence. One of these members shall serve for a term of five
43 years, and one shall serve for a term of four years. One member

1 shall be employed as an educator and shall serve for a term of
2 three years.

- 3 (3) The Governor shall appoint three members. Two of the members
4 shall be either an owner of an assisted living residence or actively
5 engaged in the management of such a residence. One of these
6 members shall serve for a term of five years, and one shall serve
7 for a term of four years. One member shall represent the public
8 and shall serve for a term of three years.

9 Upon the expiration of the terms of the initial Board members, each member shall
10 be appointed for a term of three years and shall serve until a successor is appointed.
11 No member may serve more than two consecutive terms.

12 (b) Qualifications. -- All members of the Board shall be residents of this State at
13 the time of appointment and at all times during their term on the Board. The public
14 members of the Board shall not be employed as an assisted living residence
15 administrator, have a financial interest in an assisted living residence, or be the
16 spouse of a person who is so employed or has such an interest.

17 (c) Vacancies. -- A vacancy shall be filled in the same manner as the original
18 appointment, except that all unexpired terms in seats appointed by the General
19 Assembly shall be filled in accordance with G.S. 120-122. Appointees to fill
20 vacancies shall serve the remainder of the unexpired term and until their successors
21 have been duly appointed and qualified.

22 (d) Removal. -- The Board may remove any of its members for neglect of duty,
23 incompetence, or unprofessional conduct. A member subject to disciplinary
24 proceedings as a licensee shall be disqualified from participating in the official
25 business of the Board until the charges have been resolved.

26 (e) Compensation. -- Each member of the Board shall receive per diem and
27 reimbursement for travel and subsistence as provided in G.S. 93B-5.

28 (f) Officers. -- The officers of the Board shall be a chair, a vice-chair, and other
29 officers the Board considers necessary to carry out the purposes of this Article. All
30 officers shall be elected annually by the Board for one-year terms and shall serve
31 until their successors are elected and qualified.

32 (g) Meetings. -- The Board shall hold at least two meetings each year to conduct
33 business and to review the standards and rules for issuing licenses under this Article.
34 The Board shall adopt rules governing the calling, holding, and conducting of regular
35 and special meetings. A majority of Board members shall constitute a quorum.

36 **§ 90-288.15. Powers and duties of the Board.**

37 The Board shall have the power and duty to:

- 38 (1) Administer and enforce the provisions of this Article.
39 (2) Adopt rules to administer and enforce the provisions of this
40 Article.
41 (3) Examine and determine the qualifications and fitness of applicants
42 for licensure and renewal of licensure.
43 (4) Issue, renew, deny, suspend, or revoke licenses and conduct
44 disciplinary actions authorized by this Article.

- 1 (5) Set fees for licensure, licensure renewal, and other services
2 necessary to carry out the provisions of this Article.
- 3 (6) Establish and approve continuing education requirements for
4 persons licensed under this Article.
- 5 (7) Receive and investigate complaints from members of the public.
- 6 (8) Conduct investigations for the purpose of determining whether
7 violations of this Article or grounds for disciplining licensees exist.
- 8 (9) Conduct administrative hearings in accordance with Article 3 of
9 Chapter 150B of the General Statutes.
- 10 (10) Maintain a record of all proceedings conducted by the Board and
11 make available to licensees and other concerned parties an annual
12 report of all Board action.
- 13 (11) Maintain a list of all persons licensed under this Article. The list
14 shall contain the names and addresses of all licensees and any
15 additional information that the Board considers necessary.
- 16 (12) Conduct a continuing study of assisted living residences and
17 assisted living residence administrators for the purpose of
18 improving standards for licensure.
- 19 (13) Develop an administrator-in-training program to ensure that
20 assisted living residence administrators have adequate training
21 prior to licensure.
- 22 (14) Determine the qualifications and fitness of preceptors.
- 23 (15) Employ and fix the compensation of personnel that the Board
24 considers necessary to carry out the provisions of this Article and
25 incur other expenses necessary to perform the duties of the Board.
- 26 (16) Adopt and publish a code of ethics.
- 27 (17) Adopt a seal containing the name of the Board for use on all
28 licenses and official reports issued by the Board.

29 **"§ 90-288.16. Assisted living residence administrator license.**

30 An applicant shall be licensed as an assisted living residence administrator if the
31 applicant meets all of the following qualifications:

- 32 (1) Is at least 18 years old.
- 33 (2) Is of good moral character.
- 34 (3) Has no physical or mental disabilities that would hinder the
35 applicant's ability to perform the duties of an assisted living
36 residence administrator.
- 37 (4) Successfully completes the equivalent of two years of coursework
38 at an accredited college or university or has a combination of
39 education and experience as approved by the Board.
- 40 (5) Successfully completes at least 120 hours of study in courses
41 prescribed by the Board to give instruction in areas related to
42 assisted living residences.
- 43 (6) Successfully completes an administrator-in-training program as
44 prescribed by the Board.

1 (7) Successfully completes an examination administered by the Board
 2 or the Board's designee.

3 (8) Pays the required fee established pursuant to G.S. 90-288.19.

4 **"§ 90-288.17. Licensure by reciprocity.**

5 The Board may grant, upon application and payment of proper fees, a license to a
 6 person who holds a valid license as an assisted living residence administrator issued
 7 by another state if, in the Board's determination, the standards of competency for the
 8 license are substantially equivalent to those in this State.

9 **"§ 90-288.18. Supervisor-in-charge license.**

10 An applicant shall be licensed as a supervisor-in-charge if the applicant meets all
 11 of the following qualifications:

- 12 (1) Is at least 18 years old.
- 13 (2) Is of good moral character.
- 14 (3) Has no physical or mental disabilities that would hinder the
 15 applicant's ability to perform the duties of a supervisor-in-charge.
- 16 (4) Submits to the Board three letters of reference, at least one of
 17 which shall be from a previous employer.
- 18 (5) Submits proof of employment as a supervisor-in-charge on or
 19 before December 31, 1999, or proof that the person has attained a
 20 high school diploma or the equivalent.
- 21 (6) Has demonstrated to the assisted living residence administrator at
 22 the facility where the applicant will be employed that the applicant
 23 possesses the skills to perform the duties of a supervisor-in-charge.
- 24 (7) Pays the required fee established pursuant to G.S. 90-288.19.

25 **"§ 90-288.19. Fees.**

26 The Board shall establish fees not exceeding the following amounts:

27 (1) <u>Administrator examination</u>	<u>\$200.00</u>
28 (2) <u>Administrator license</u>	<u>250.00</u>
29 (3) <u>Administrator duplicate license</u>	<u>25.00</u>
30 (4) <u>Administrator on inactive status</u>	<u>25.00</u>
31 (5) <u>Renewal of administrator license</u>	<u>250.00</u>
32 (6) <u>Training and continuing education</u>	<u>250.00</u>
33 (7) <u>Certifying continuing education courses</u>	<u>25.00</u>
34 (8) <u>Administrator-in-training fee</u>	<u>00.00</u>
35 (9) <u>Supervisor-in-charge license</u>	<u>25.00</u>
36 (10) <u>Renewal of supervisor-in-charge license</u>	<u>25.00</u>
37 (11) <u>Late fee</u>	<u>00.00</u>
38 (12) <u>Reinstatement fee</u>	<u>00.00.</u>

39 **"§ 90-288.20. Custody and use of funds.**

40 All fees payable to the Board shall be deposited in the name of the Board in a
 41 financial institution designated by the Board and shall be used only to pay expenses
 42 incurred by the Board in administering and enforcing this Article.

43 **"§ 90-288.21. Issuance, renewal, and replacement of licenses.**

1 (a) The Board shall issue a license, upon payment of the proper fee, to any
2 applicant who has satisfactorily met the requirements of this Article as administered
3 by the Board. The license shall show the full name of the person and an
4 identification number and shall be signed by the chair and one other officer of the
5 Board. A license may not be transferred or assigned.

6 (b) All licenses shall expire on December 31 of the second year following issuance.
7 All applications for renewal shall be filed with the Board and shall be accompanied
8 by the renewal fee established pursuant to G.S. 90-288.19. A license that has expired
9 for failure to renew may be reinstated after the applicant pays the late fee and
10 reinstatement fee established pursuant to G.S. 90-288.19.

11 (c) The Board shall replace any license that is lost, destroyed, or mutilated subject
12 to rules established by the Board and upon the applicant paying the fee established
13 pursuant to G.S. 90-288.19.

14 **"§ 90-288.22. Posting licenses.**

15 Every person issued a license under this Article shall display the license
16 prominently in the assisted living residence where the person works.

17 **"§ 90-288.23. Suspension, revocation, and refusal to renew a license.**

18 The Board may deny or refuse to renew a license, suspend, or revoke any license
19 for any of the following:

- 20 (1) Violation of any provision of this Article or any rule adopted by
21 the Board.
- 22 (2) Violation of the standards or rules of the Social Services
23 Commission as they relate to assisted living residences.
- 24 (3) Obtaining or attempting to obtain a license by bribery or
25 fraudulent misrepresentation.
- 26 (4) Serving as an assisted living residence administrator without a
27 license issued by the Board.
- 28 (5) Transferring or assigning a license issued by the Board.
- 29 (6) Paying or offering to pay to another a commission or other thing of
30 value for the procurement of patients desiring assisted living
31 services.
- 32 (7) Having been convicted of or pled guilty or no contest to a crime
33 that indicates that the person is unfit to serve as an assisted living
34 residence administrator.
- 35 (8) Gross malpractice or gross incompetency as determined by the
36 Board.
- 37 (9) Advertising by means of knowingly false or deceptive statements.
- 38 (10) Permitting the unauthorized disclosure of patient information.
- 39 (11) Discriminating against residents or employees on account of race,
40 sex, religion, color, or national origin.

41 **"§ 90-288.24. Penalties.**

42 A person who violates any of the provisions of this Article is guilty of a Class 1
43 misdemeanor. Each act of unlawful practice constitutes a distinct and separate
44 offense."

1 Section 2. Article 1 of Chapter 114 of the General Statutes is amended
2 by adding a new section to read:

3 "§ 114-4.2H. Employment of attorney for the Board of Examiners for Assisted Living
4 Residence Administrators.

5 The Attorney General is authorized to designate from the Attorney General's staff
6 an attorney to specialize in the law of the elderly. The attorney designated shall
7 serve as the advisor to the North Carolina Board of Examiners for Assisted Living
8 Residence Administrators."

9 Section 3. G.S. 131D-2(a) reads as rewritten:

10 "(a) The following definitions will apply in the interpretation of this section:

11 (1) ~~"Abuse" means the Abuse.~~ -- The willful or grossly negligent
12 infliction of physical pain, injury or mental anguish, unreasonable
13 confinement, or the willful or grossly negligent deprivation by the
14 administrator or staff of an adult care home of services which are
15 necessary to maintain mental and physical health.

16 (1a) ~~"Administrator" means a person approved by the Department of~~
17 ~~Human Resources who has the responsibility for the total~~
18 ~~operation of a licensed domiciliary home.~~ Administrator. -- An
19 individual licensed under Article 20A of Chapter 90 of the
20 General Statutes.

21 (1b) ~~"Adult care home" is an~~ Adult care home. -- An assisted living
22 residence in which the housing management provides 24-hour
23 scheduled and unscheduled personal care services to two or more
24 residents, either directly or, for scheduled needs, through formal
25 written agreement with licensed home care or hospice agencies.
26 Some licensed adult care homes provide supervision to persons
27 with cognitive impairments whose decisions, if made
28 independently, may jeopardize the safety or well-being of
29 themselves or others and therefore require supervision. Medication
30 in an adult care home may be administered by designated, trained
31 staff. Adult care homes that provide care to two to six unrelated
32 residents are commonly called family care homes. Adult care
33 homes and family care homes are subject to licensure by the
34 Division of Facility Services.

35 (1c) ~~"Amenities" means services~~ Amenities. -- Services such as meals,
36 housekeeping, transportation, and grocery shopping that do not
37 involve hands-on personal care.

38 (1d) ~~"Assisted living residence" means any~~ Assisted living residence. --
39 Any group housing and services program for two or more
40 unrelated adults, by whatever name it is called, that makes
41 available, at a minimum, one meal a day and housekeeping
42 services and provides personal care services directly or through a
43 formal written agreement with one or more licensed home care or
44 hospice agencies. The Department may allow nursing service

1 exceptions on a case-by-case basis. Settings in which services are
2 delivered may include self-contained apartment units or single or
3 shared room units with private or area baths. Assisted living
4 residences are to be distinguished from nursing homes subject to
5 provisions of G.S. 131E-102. Effective October 1, 1995, there are
6 two types of assisted living residences: adult care homes and group
7 homes for developmentally disabled adults. Effective July 1, 1996,
8 there is a third type, multiunit assisted housing with services.

9 (1e) ~~"Compensatory agent" means a~~ Compensatory agent. -- A spouse,
10 relative, or other caretaker who lives with a resident and provides
11 care to a resident.

12 (2) ~~"Developmentally disabled adult" means a~~ Developmentally
13 disabled adult. -- A person who has attained the age of 18 years
14 and who has a developmental disability defined as a severe,
15 chronic disability of a person ~~which:~~ that:

16 a. Is attributed to a mental or physical impairment or
17 combination of mental and physical ~~impairments;~~
18 impairments.

19 b. Is manifested before the person attains age ~~22;~~ 22.

20 c. Is likely to continue ~~indefinitely;~~ indefinitely.

21 d. Results in substantial functional limitations in three or more
22 of the following areas of major life activity: (i) self-care, (ii)
23 receptive and expressive language, (iii) learning, (iv)
24 mobility, (v) self-direction, (vi) capacity for independent
25 living, and (vii) economic ~~self-sufficiency;~~ and self-
26 sufficiency.

27 e. Reflects the person's need for a combination and sequence
28 of special, interdisciplinary, or generic care, treatment, or
29 other services which are of lifelong or extended duration
30 and are individually planned and coordinated.

31 (3) Repealed by Session Laws 1995, c. 535, s. 8.

32 (4) ~~"Exploitation" means the~~ Exploitation. -- The illegal or improper
33 use of an aged or disabled resident or his resources for another's
34 profit or advantage.

35 (5) ~~"Family care home" means an~~ Family care home. -- An adult care
36 home having two to six residents. The structure of a family care
37 home may be no more than two stories high and none of the aged
38 or physically disabled persons being served there may be housed in
39 the upper story without provision for two direct exterior ground-
40 level accesses to the upper story.

41 (6) ~~"Group home for developmentally disabled adults" means an~~
42 Group home for developmentally disabled adults. -- An adult care
43 home which has two to nine developmentally disabled adult
44 residents.

- 1 (7) Repealed by Session Laws 1995, c. 535, s. 8.
- 2 (7a) ~~Effective July 1, 1996, "multiunit assisted housing with services"~~
- 3 ~~means an~~ Multiunit assisted housing with services. -- An assisted
- 4 living residence in which hands-on personal care services and
- 5 nursing services which are arranged by housing management are
- 6 provided by a licensed home care or hospice agency, through an
- 7 individualized written care plan. The housing management has a
- 8 financial interest or financial affiliation or formal written
- 9 agreement which makes personal care services accessible and
- 10 available through at least one licensed home care or hospice
- 11 agency. The resident has a choice of any provider, and the housing
- 12 management may not combine charges for housing and personal
- 13 care services. All residents, or their compensatory agents, must be
- 14 capable, through informed consent, of entering into a contract and
- 15 must not be in need of 24-hour supervision. Assistance with self-
- 16 administration of medications may be provided by appropriately
- 17 trained staff when delegated by a licensed nurse according to the
- 18 home care agency's established plan of care. Multiunit assisted
- 19 housing with services programs are required to register with the
- 20 Division of Facility Services and to provide a disclosure statement.
- 21 The disclosure statement is required to be a part of the annual
- 22 rental contract that includes a description of the following
- 23 requirements:
- 24 a. Emergency response ~~system;~~ system.
- 25 b. Charges for services ~~offered;~~ offered.
- 26 c. Limitations of ~~tenancy;~~ tenancy.
- 27 d. Limitations of ~~services;~~ services.
- 28 e. Resident ~~responsibilities;~~ responsibilities.
- 29 f. Financial/legal relationship between housing management
- 30 and home care or hospice ~~agencies;~~ agencies.
- 31 g. A listing of all home care or hospice agencies and other
- 32 community services in the ~~area;~~ area.
- 33 h. An appeals ~~process;~~ and process.
- 34 i. Procedures for required initial and annual resident screening
- 35 and referrals for services.
- 36 Continuing care retirement communities, subject to regulation by
- 37 the Department of Insurance under Chapter 58 of the General
- 38 Statutes, are exempt from the regulatory requirements for multiunit
- 39 assisted housing with services programs.
- 40 (7b) Multiunit registration. -- The submission by a multiunit assisted
- 41 housing with services provider of a disclosure statement containing
- 42 all of the information as outlined in subdivision (7a) of this
- 43 subsection.

- 1 (8) ~~"Neglect" means the~~ Neglect. -- The failure to provide the services
2 necessary to maintain a resident's physical or mental health.
- 3 (9) ~~"Personal care services" means any~~ Personal care services. -- Any
4 hands-on services allowed to be performed by In-Home Aides II or
5 III as outlined in Department rules.
- 6 (10) ~~"Registration" means the submission by a multiunit assisted~~
7 ~~housing with services provider of a disclosure statement containing~~
8 ~~all the information as outlined in subdivision (7a) of this~~
9 ~~subsection.~~
- 10 (11) ~~"Resident" means a~~ Resident. -- A person living in an assisted
11 living residence for the purpose of obtaining access to housing and
12 services provided or made available by housing management."

13 Section 4. Notwithstanding the provisions of G.S. 90-288.16, as enacted
14 in Section 1 of this act, the Board may grant a license to practice as an assisted living
15 residence administrator to a person who is actively engaged as an assisted living
16 residence administrator and is registered with the Division of Facility Services on or
17 before December 31, 1999. The person shall pay the license fee established pursuant
18 to G.S. 90-288.19, as enacted in Section 1 of this act.

19 Section 5. There is appropriated from the General Fund to the North
20 Carolina Board of Examiners for Assisted Living Residence Administrators the sum
21 of two hundred fifty thousand dollars (\$250,000) for the 1999-2000 fiscal year for
22 operating expenses.

23 Section 6. Section 5 of this act becomes effective July 1, 1999. The
24 remainder of this act is effective when it becomes law.

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1999

H

D

HOUSE BILL 512

Proposed Committee Substitute H521-CSLM-1

WARNING: LINE NUMBERS MAY CHANGE AFTER ADOPTION

Short Title: Assisted Living Administrators.

(Public)

Sponsors:

Referred to: Finance.

March 22, 1999

1 A BILL TO BE ENTITLED
2 AN ACT TO LICENSE ASSISTED LIVING RESIDENCE ADMINISTRATORS.
3 The General Assembly of North Carolina enacts:
4 Section 1. Chapter 90 of the General Statutes is
5 amended by adding a new Article to read:
6 "ARTICLE 20A.
7 "Assisted Living Administrator Act.
8 "§ 90-288.10. Title.
9 This Article shall be known as the Assisted Living
10 Administrator Act.
11 "§ 90-288.11. Purpose.
12 The administrators of assisted living residences are
13 responsible for the residents who require daily care to attend to
14 their physical, mental, and emotional needs. Therefore, the
15 licensure of assisted living administrators is necessary to
16 ensure adequate levels of care across the State and to protect
17 public health, safety, and welfare.
18 "§ 90-288.12. License required; exemptions.
19 (a) No person shall perform or offer to perform services as an
20 assisted living administrator unless the person has been licensed
21 under the provisions of this Article. A license granted under
22 this Article shall be valid throughout the State.

- 1 (b) The provisions of this Article shall not apply to:
2 (1) Hospitals or nursing homes that have adult care
3 beds.
4 (2) Family care homes as defined in G.S. 131D-2(a)(5).
5 (3) Continuing care facilities as defined in Article 64
6 of Chapter 58 of the General Statutes.

7 "§ 90-288.13. Definitions.

8 The following definitions apply in this Article:

- 9 (1) Administrator-in-training. -- An individual who
10 serves a training period under the supervision of
11 an approved preceptor.
12 (2) Assisted living administrator. -- An individual
13 licensed to operate, administer, manage, and
14 supervise an assisted living residence or to share
15 in the performance of these duties with another
16 person who has been so licensed.
17 (3) Assisted living residence. -- A facility defined in
18 G.S. 131D-2(a)(1d), whether proprietary or non-
19 profit. The term also includes institutions or
20 facilities that are owned or administered by the
21 federal or State government or any agency or
22 political subdivision of the State government.
23 (4) Department. -- The Department of Health and Human
24 Services.
25 (5) Preceptor. -- An individual who is licensed by the
26 Department as an assisted living administrator and
27 who meets the requirements established by the
28 Department to serve as a supervisor of
29 administrators-in-training.

30 "§90-288.14. Department authority.

31 The Department shall have the power and duty to promulgate
32 rules and regulations for the operation of adult care homes as
33 defined in G.S. 131D-2(a)(1b).

34 "§ 90-288.15. Assisted living administrator license.

35 An applicant shall be licensed by the Department as an assisted
36 living administrator if the applicant meets all of the following
37 qualifications:

- 38 (1) Is at least 21 years old.
39 (2) Provides a criminal background report from the
40 State and National Repositories of Criminal
41 Histories, which shall be provided by the State
42 Bureau of Investigation upon its receiving
43 fingerprints from the applicant.

- 1 (3) Has no physical or mental disabilities that would
2 hinder the applicant's ability to perform the
3 duties of an assisted living administrator.
- 4 (4) Successfully completes the equivalent of two years
5 of coursework at an accredited college or
6 university or has a combination of education and
7 experience as approved by the Department.
- 8 (5) Successfully completes a Department approved
9 administrator-in-training program of at least 120
10 hours of study in courses relating to assisted
11 living residences.
- 12 (6) Successfully completes a written examination
13 administered by the Department.
- 14 "§ 90-288.16. Issuance, renewal, and replacement of licenses.
- 15 (a) The Department shall issue a license to any applicant who
16 has satisfactorily met the requirements of this Article. The
17 license shall show the full name of the person and an
18 identification number and shall be signed by the Secretary of the
19 Department. A license may not be transferred or assigned.
- 20 (b) All licenses shall expire on December 31 of the second year
21 following issuance. All applications for renewal shall be filed
22 with the Department and shall be accompanied by documentation of
23 the licensee's completion of the annual continuing education
24 requirements established by the Department regarding the
25 management and operation of an assisted living residence.
- 26 (c) The Department shall replace any license that is lost,
27 destroyed, or mutilated subject to rules established by the
28 Department.
- 29 "§ 90-288.17. Licensure by reciprocity.
- 30 The Department may grant, upon application, a license to a
31 person who holds a valid license as an assisted living community
32 administrator issued by another state if, in the Department's
33 determination, the standards of competency for the license are
34 substantially equivalent to those in this State.
- 35 "§ 90-288.18. Posting licenses.
- 36 Every person issued a license under this Article shall display
37 the license prominently in the assisted living residence where
38 the person works.
- 39 "§ 90-288.19. Suspension, revocation, and refusal to renew a
40 license.
- 41 The Department may deny or refuse to renew a license, suspend,
42 or revoke any license for any of the following:
- 43 (1) Violation of any provision of this Article or any
44 rule adopted by the Department.

- 1 (2) Violation of the standards or rules of the Social
- 2 Services Commission as they relate to assisted
- 3 living residences.
- 4 (3) Obtaining or attempting to obtain a license by
- 5 bribery or fraudulent misrepresentation.
- 6 (4) Serving as an assisted living administrator without
- 7 a license issued by the Department.
- 8 (5) Transferring or assigning a license issued by the
- 9 Department.
- 10 (6) Gross malpractice or gross incompetency as
- 11 determined by the Department.
- 12 (7) Advertising by means of knowingly false or
- 13 deceptive statements.
- 14 (8) Permitting the unauthorized disclosure of resident
- 15 information.
- 16 (9) Violation of the Adult Care Home Residents' Bill of
- 17 Rights as provided in Article 3 of Chapter 131D of
- 18 the General Statutes.

19 "§90-288.20. Reporting requirement.

20 The holder of a facility license issued pursuant to G.S. 131D-2
21 shall report any incidents of suspected abuse, neglect, or
22 exploitation of persons residing in an assisted living residence
23 by a person licensed under this Article to the Health Care
24 Personnel Registry.

25 "§ 90-288.21. Penalties.

26 A person who violates any of the provisions of this Article is
27 guilty of a Class 1 misdemeanor. Each act of unlawful practice
28 constitutes a distinct and separate offense."

29 Section 2. G.S. 131D-2(a)(1b) reads as rewritten:

30 "(1b) "Adult care home" is an assisted living
31 residence in which the housing management
32 provides 24-hour scheduled and unscheduled
33 personal care services to two or more
34 residents, either directly or, for scheduled
35 needs, through formal written agreement with
36 licensed home care or hospice agencies. Some
37 licensed adult care homes provide supervision
38 to persons with cognitive impairments whose
39 decisions, if made independently, may
40 jeopardize the safety or well-being of
41 themselves or others and therefore require
42 supervision. Medication in an adult care home
43 may be administered by designated, trained
44 staff. Adult care homes that provide care to

*may 120 days
45 w/o prior*

1 two to six unrelated residents are commonly
2 called family care homes. ~~Adult care homes and~~
3 ~~family care homes are subject to licensure by~~
4 ~~the Division of Facility Services."~~

5 Section 3. Notwithstanding the provisions of G.S. 90-
6 288.15, as enacted in Section 1 of this act, the Department may
7 grant a license to practice as an assisted living administrator
8 to a person who has been actively engaged as an assisted living
9 administrator for four years, completes a written examination
10 administered by the Department, and is registered with the
11 Division of Facilities Services on or before December 31, 1999.
12 All persons who do not make application to the Department within
13 one year of the effective date of this act shall be required to
14 complete the requirements provided in G.S. 90-288.15.

15 Section 4. This act is effective when it becomes law.
16
17
18
19

**1999 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES**

The following report(s) from standing committee(s) is/are presented:

By Representative(s) **Culpepper** for the Committee on **Rules, Calendar and Operations of the House.**

- Committee Substitute for
H.B. 512 A BILL TO BE ENTITLED AN ACT TO LICENSE ASSISTED LIVING
RESIDENCE ADMINISTRATORS.
- With a favorable report.
- With a favorable report and recommendation that the bill be re-referred to the Committee on
Appropriations Finance .
- With a favorable report, as amended.
- With a favorable report, as amended, and recommendation that the bill be re-referred to the
Committee on Appropriations Finance .
- Without prejudice as to committee substitute bill, unfavorable as to original bill, and
recommendation that the committee substitute bill be re-referred to the Committee on Aging.
- With a favorable report as to House committee substitute bill (#), which changes
the title, unfavorable as to Senate committee substitute bill.
- With an unfavorable report.
- With recommendation that the House concur.
- With recommendation that the House do not concur.
- With recommendation that the House do not concur; request conferees.
- With recommendation that the House concur; committee believes bill to be material.
- With an unfavorable report, with a Minority Report attached.
- Without prejudice.
- With an indefinite postponement report.
- With an indefinite postponement report, with a Minority Report attached.
- With recommendation that it be adopted. (HOUSE RESOLUTION ONLY)

2/24/99

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1999

H

1

HOUSE BILL 992

Short Title: Indigent Def. Funds Limit.

(Public)

Sponsors: Representatives Clary; Arnold, Baker, Brubaker, Cansler, Capps, Davis, Decker, Ellis, Gray, Gulley, Howard, Kiser, McComas, Morris, Rayfield, Sexton, Sherrill, Starnes, and G. Wilson.

Referred to: Rules, Calendar and Operations of the House.

April 13, 1999

1 A BILL TO BE ENTITLED

2 AN ACT TO REQUIRE THAT APPROPRIATIONS FOR INDIGENT DEFENSE
3 BE NO GREATER THAN APPROPRIATIONS FOR DISTRICT ATTORNEYS'
4 OFFICES.

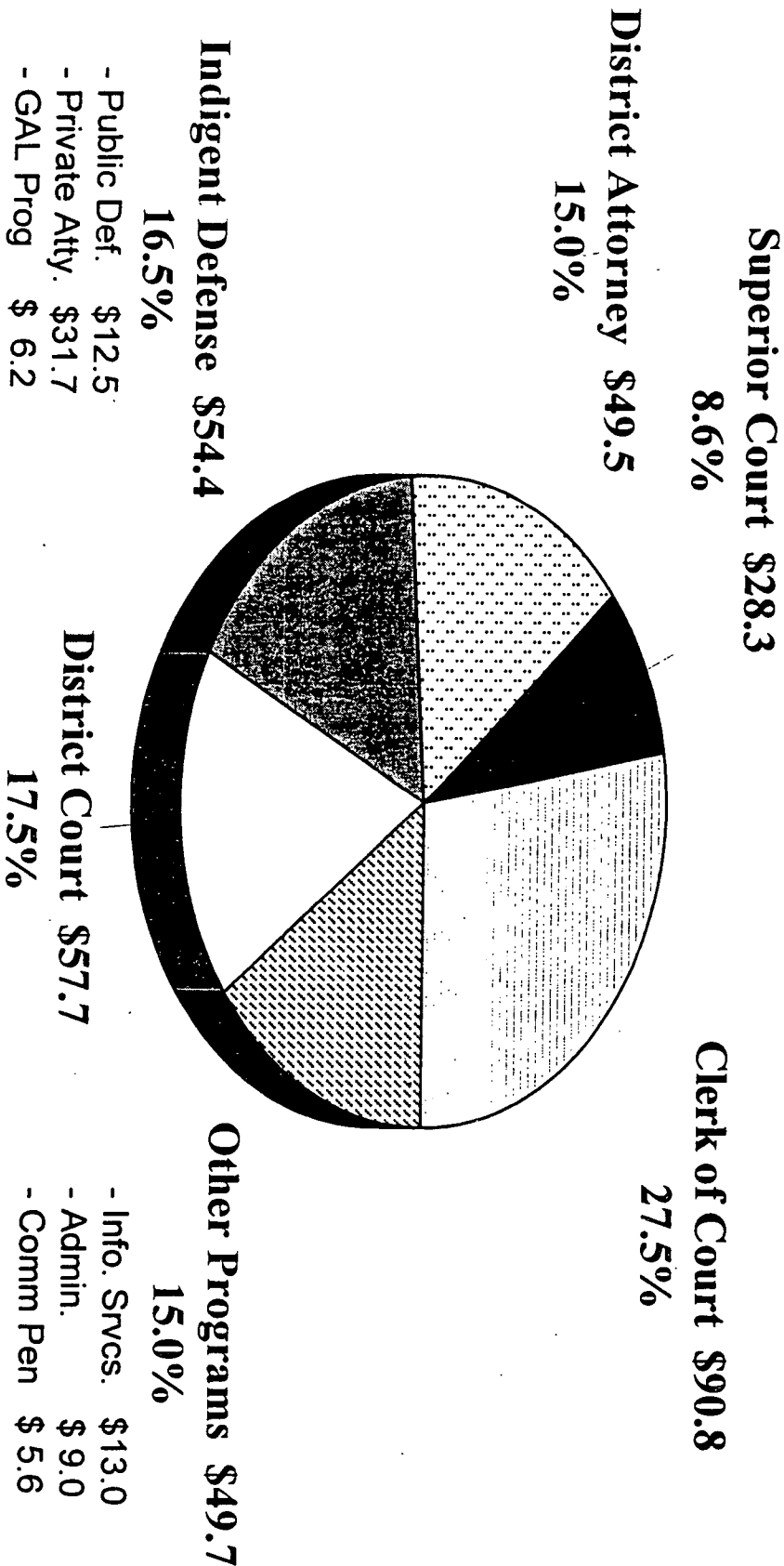
5 The General Assembly of North Carolina enacts:

6 Section 1. The total funds appropriated in the State budget to any State
7 department or agency for indigent defense for any fiscal year may not exceed the
8 total funds appropriated for that fiscal year for district attorneys' offices across the
9 State. For purposes of this act, "indigent defense" includes fees for private attorneys,
10 appellate defender services, public defender services, the Guardian Ad Litem
11 program, provision of special counsel to the mentally ill, and the grant to the North
12 Carolina State Bar.

13 Section 2. This act becomes effective July 1, 1999.

Judicial Department

FY 1998-99 Authorized General Fund Budget by Program (\$ in millions)

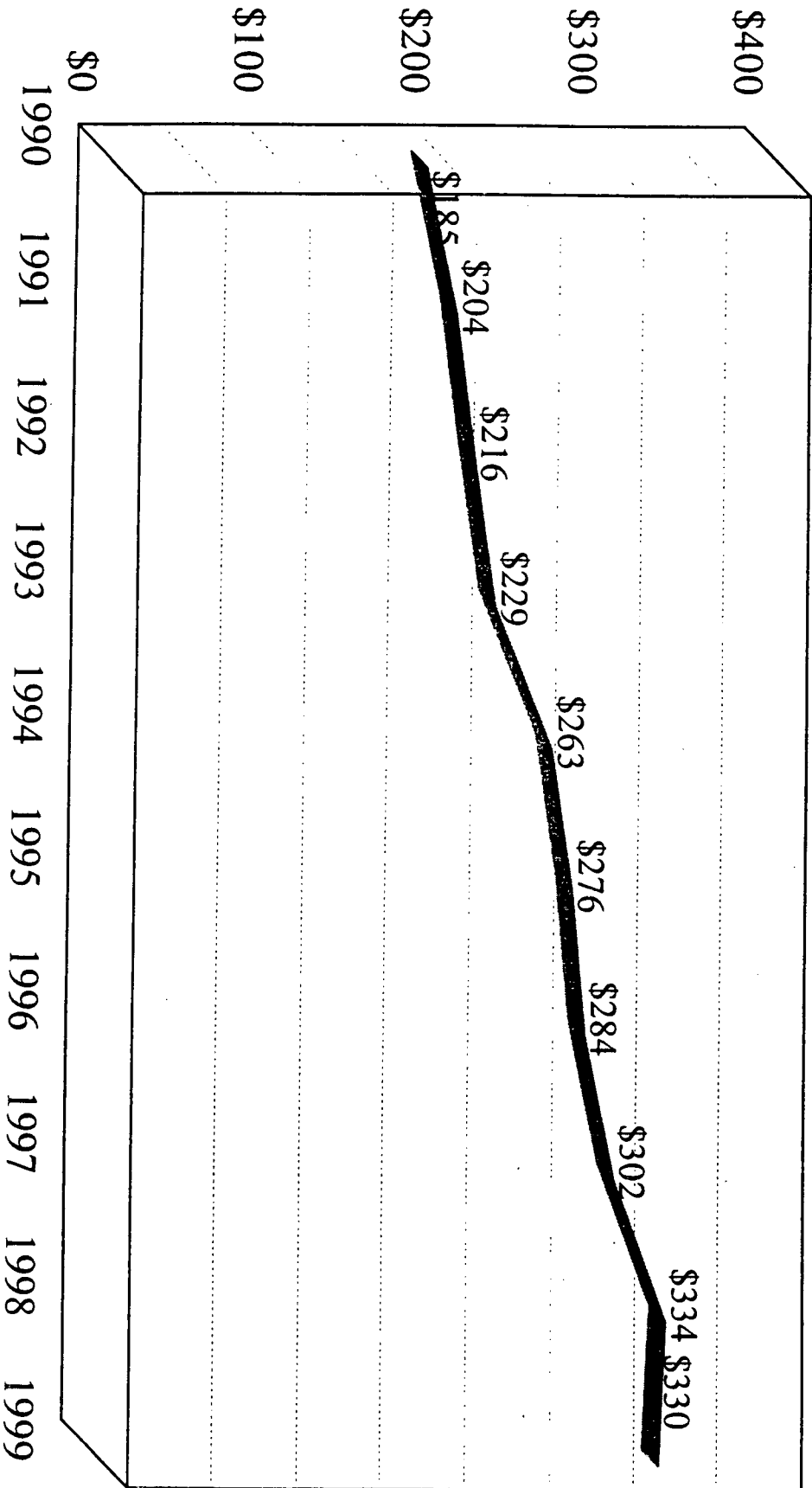


*Total Authorized General Fund Budget (excluding Juvenile Services) is \$3330m
 Source: BD 701 Report as of 12/31/98

Judicial Department

General Fund Expenditures FY 1990 - 1999

\$ in millions



*FY 1998-99 figure based on authorized budget as of 12/31/98 excluding Juvenile Services (\$22.2m) - Total State General Fund Budget has Increased Approximately 69% Over Same Period (\$7.4 to \$12.5 Billion)

**1999 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES**

The following report(s) from standing committee(s) is/are presented:

By Representative(s) **Culpepper** for the Committee on **Rules, Calendar and Operations of the House.**

Committee Substitute for
H.B. 992 A BILL TO BE ENTITLED AN ACT TO REQUIRE THAT APPROPRIATIONS FOR INDIGENT DEFENSE BE NO GREATER THAN APPROPRIATIONS FOR DISTRICT ATTORNEYS' OFFICES.

- With a favorable report.
- With a favorable report and recommendation that the bill be re-referred to the Committee on Appropriations Finance .
- With a favorable report, as amended.
- With a favorable report, as amended, and recommendation that the bill be re-referred to the Committee on Appropriations Finance .
- With a favorable report as to committee substitute bill (#), which changes the title, unfavorable as to (original bill) (Committee Substitute Bill #), (and recommendation that the committee substitute bill #) be re-referred to the Committee on .)
- With a favorable report as to House committee substitute bill (#), which changes the title, unfavorable as to Senate committee substitute bill.
- With an unfavorable report.
- With recommendation that the House concur.
- With recommendation that the House do not concur.
- With recommendation that the House do not concur; request conferees.
- With recommendation that the House concur; committee believes bill to be material.
- With an unfavorable report, with a Minority Report attached.
- Without prejudice and be re-referred to the Committee on Appropriations
- With an indefinite postponement report.
- With an indefinite postponement report, with a Minority Report attached.
- With recommendation that it be adopted. (HOUSE RESOLUTION ONLY)

2/24/99

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 1999

H

1

HOUSE BILL 419

Short Title: 40th House Dist. Local Act-3.

(Local)

Sponsors: Representative Baker.

Referred to: Rules, Calendar and Operations of the House.

March 11, 1999

- 1 A BILL TO BE ENTITLED
2 AN ACT RELATING TO THE 40TH HOUSE DISTRICT.
3 The General Assembly of North Carolina enacts:
4 Section 1. This act relates to the 40th House District only.
5 Section 2. This act is effective when it becomes law.

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1999

H

D

HOUSE BILL 419

Proposed Committee Substitute: H418-PCSSK-002
Attention: line numbers may change after adoption.

Short Title: Mount Airy Satellite Annexation

(Local)

Sponsors:

Referred to:

March 11, 1999

1 A BILL TO BE ENTITLED
2 AN ACT CONCERNING SATELLITE ANNEXATION AND REMOVING A CERTAIN
3 TRACT OF PROPERTY FROM THE CORPORATE LIMITS OF THE CITY OF
4 MOUNT AIRY.
5 The General Assembly of North Carolina enacts:
6 Section 1. G.S. 160A-58.1(b)(5) does not apply to the
7 City of Mount Airy.
8 Section 2. The following described property is removed
9 from the corporate limits of the City of Mount Airy:
10 BEING a 25.954 Acre tract of land recorded in Plat Book 14 Page
11 98 of the Surry County Register of Deeds. Said plat is entitled
12 "The City of Mount Airy Annexation of May 15, 1997 Index # AX93"
13 and was surveyed by Owen Lee Osborne, Registered Land Surveyor,
14 license number 3295. Property is shown as parcel 7162 on map
15 5919 of the Surry County Tax Maps.
16 Section 3. This act is effective when it becomes law.

**1999 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES**

The following report(s) from standing committee(s) is/are presented:

By Representative(s) **Culpepper** for the Committee on **RULES, CALENDAR AND OPERATIONS OF THE HOUSE.**

Committee Substitute for

H.B. 419 A BILL TO BE ENTITLED AN ACT RELATING TO THE 40TH HOUSE DISTRICT.

With a favorable report.

With a favorable report and recommendation that the bill be re-referred to the Committee on Appropriations Finance .

With a favorable report, as amended.

With a favorable report, as amended, and recommendation that the bill be re-referred to the Committee on Appropriations Finance .

Without prejudice as to committee substitute bill which changes the title, unfavorable as to original bill and recommendation that the committee substitute bill be re-referred to the Committee on LOCAL GOVERNMENT II.

With a favorable report as to House committee substitute bill (# _____), which changes the title, unfavorable as to Senate committee substitute bill.

With an unfavorable report.

With recommendation that the House concur.

With recommendation that the House do not concur.

With recommendation that the House do not concur; request conferees.

With recommendation that the House concur; committee believes bill to be material.

With an unfavorable report, with a Minority Report attached.

Without prejudice.

With an indefinite postponement report.

With an indefinite postponement report, with a Minority Report attached.

With recommendation that it be adopted. (HOUSE RESOLUTION ONLY)

2/24/99

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1999

H

1

HOUSE BILL 639

Short Title: Grandparent Visitation.

(Public)

Sponsors: Representatives Culpepper; Smith, Decker, Culp, and Davis.

Referred to: Rules, Calendar and Operations of the House.

March 29, 1999

1 A BILL TO BE ENTITLED
2 AN ACT TO PROVIDE FOR AN EXPANSION OF RIGHTS UNDER EXISTING
3 LAW PERTAINING TO GRANDPARENT VISITATION.
4 The General Assembly of North Carolina enacts:
5 Section 1. G.S. 50-13.1(a) reads as rewritten:
6 "(a) Any parent, relative, or other person, agency, organization or institution
7 claiming the right to custody of a minor child may institute an action or proceeding
8 for the custody of such child, as hereinafter provided. Unless a contrary intent is
9 clear, the word 'custody' as it applies to parents of a minor child shall be deemed to
10 include custody or visitation or both."
11 Section 2. G.S. 50-13.2(b1) reads as rewritten:
12 "(b1) An order for custody of a minor child may provide visitation rights for any
13 grandparent of the child as the court, in its discretion, deems appropriate. ~~As used in~~
14 ~~this subsection, "grandparent" includes a biological grandparent of a child adopted by~~
15 ~~a stepparent or a relative of the child where a substantial relationship exists between~~
16 ~~the grandparent and the child.~~ Under no circumstances shall a biological
17 grandparent of a child adopted by adoptive parents, neither of whom is related to the
18 child and where parental rights of both biological parents have been terminated, be
19 entitled to visitation rights."
20 Section 3. G.S. 50-13.2A reads as rewritten:
21 "~~§ 50-13.2A. Action for visitation of an adopted grandchild. by grandparent.~~
22 A biological grandparent may institute an action or proceeding for visitation rights
23 with a grandchild ~~child adopted by a stepparent or a relative of the child where a~~
24 ~~substantial relationship exists between the grandparent and the child.~~ under the

1 provisions of this section. Under no circumstances shall a biological grandparent of a
2 child adopted by adoptive parents, neither of whom is related to the child and where
3 parental rights of both biological parents have been terminated, be entitled to
4 visitation rights. A court may award visitation rights ~~if~~ as it determines ~~that visitation~~
5 ~~is to be~~ in the best interest of the ~~child.~~ grandchild. ~~An order awarding visitation~~
6 ~~rights shall contain findings of fact which support the determination by the judge of~~
7 ~~the best interest of the child.~~ An order awarding or denying visitation under this
8 section shall contain findings of fact supporting the award or denial of visitation
9 based on the grandchild's best interest. If the grandchild's legal parents are married
10 and living together, the court shall not award visitation unless the court determines
11 the following by clear and convincing evidence:

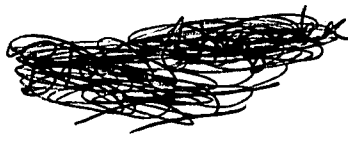
- 12 (1) That there is a preexisting relationship between the grandparent
13 and the grandchild that has engendered a bond such that visitation
14 is in the best interest of the grandchild; and
15 (2) That the amount and circumstances of the visitation awarded will
16 not substantially interfere with the right of the parents to exercise
17 their parental authority.

18 Where the grandchild's legal parents are married and living together, there is a
19 presumption that may be rebutted by clear and convincing evidence that visitation by
20 a grandparent is not in the best interest of the grandchild if the grandchild's legal
21 parents agree that the grandparent should not be granted visitation rights. Where the
22 grandchild's legal parents either are not married or are not living together, or both,
23 there is no presumption on behalf of any party to the action. Procedure, venue, and
24 jurisdiction shall be are the same as in an action for custody."

25 Section 4. G.S. 50-13.5(j) is repealed.

26 Section 5. This act becomes effective October 1, 1999.

~~Rep~~ Matthias



Representatives
~~Senators,~~

NO WORDS CAN express the joy in my heart & soul of my group & I today to have come as far as we have with this bill. I THANK ALL OF YOU; ALONG with my group & I pledge ~~me~~ our support to you whether we win or lose with this bill. When you need our support later on all you have to do is call on us; because you were there when we needed you.

If this bill is defeated; it does NOT mean we are defeated. It will only make us work harder ^{to} accomplish our goal AND that is to lay down at night and say "THANK YOU LORD"; because tomorrow I will have the chance to go before a judge and tell him how much love I have for my grand babies.

IN AN EARLIER presentation of this bill to us GRANDPARENTS; it was pointed out that the burden would be put on us as to why we should be allowed to see our grandchildren. TO us GRANDPARENTS that burden is nothing to the burden we've carried so far.

IN closing; I would like to give a brief statement of what a GRANDMOTHER told my husband AND me. She wanted to THANK us for the fellowship of our group. She SAID "I'm 79 yrs. old AND HAVE NO EARTHLY idea as to why my son made the decision not to let me see my grandson anymore except that he loves to play at my house while I sit on the back porch & watch him play in the back yard. It seems like with him being only

Says old he could tell when it was time for his Mom + Dad to pick him up. He would always say "GRANDMA, ARE YOU GOING TO SNEAK ME SOME BROWNIES IN MY BACKPACK?" I KNEW HIS MOM WAS VERY PARTICULAR ABOUT HER COOKING AND WHAT HE SHOULD EAT. IF I WAS WRONG, I ALWAYS TOLD THE LORD TO TELL ME NOT TO DO IT + I WOULDN'T. HE NEVER DID; MY GRANDSON ALWAYS TOLD ME THAT HIS PAPA TOLD HIM IT WAS ALRIGHT AND HIS PAPA HAD PASSED AWAY 20 YEARS EARLIER. WITH THE LOVE HIS PAPA + I SHARED FOR THIS LITTLE BOY; AND I CAN'T SEE HIM. FOR WHAT REASON I DO NOT KNOW.

Finally, she looked at ~~us~~ with tears streaming down her cheeks - She said "Do you know that I ~~wasn't~~^{now} know why Christ WAS NAILED TO THE CROSS AS HE WAS CRUCIFIED FOR

SINS THAT HE DID NOT COMMIT AND I'M BEING CRUCIFIED FOR THE ONLY SIN OF BEING A LOVING GRANDMOTHER."

Thank you so much for your support bb

Mister Chairman, Ladies & Gentlemen
● of the Committee, thank you
for the opportunity to speak to
you today. about ~~legislated~~ an
issue I am extremely concerned
about ~~legislated~~ grandparent
visitation.

My name is Kathy Hartkopf
● and I speak to you as a mom -
a worried mom.

I would like to briefly address
the vague terminology encompassed in
grandparent visitation legislation and
the problems that vagueness ~~to~~
brings about for all involved.

● I. pre existing relationship - bond ^{with} child
- Judge has to determine ^{best interest of child}
- What is a bond ^{does bonding begin?}
- At what age ^{can there be a}
- When is bonding complete? How long
take?

Denise G. Weeks
Principal Clerk

[Faint, illegible text, possibly bleed-through from the reverse side of the page]



The child involved, ^{Leslie,} was three years old. She clung to her father every time he left her with her grandparents.

Almost a year ago to the day, my husband and myself were present when the Supreme Court of Virginia heard Leslie's parents appeal!

The debate on the bench focused primarily around the fact that ~~that~~ ^{by its very} nature, any forced visitation is substantial interference.

Virginia no longer has their grandparent visitation law but ^{little} Leslie is still in therapy

and according to her therapist, will probably be for a long time to come. please do not let my children become Leslie please do not let any of North Carolina's children become Leslie!
Thank You

HB	795	Durham Contracts.
HB	832	Spruce Pine Annexations.
HB	837	Chocowinity Extraterritorial Jurisdiction.
HB	856	Durham License Tax Year.
HB	872	Dare Courthouse Construction Flex.
MENTAL HEALTH	415	10:00 am
HB	972	Transportation Cost/Involuntary Commitment.
RULES, CALENDAR & OPERATIONS OF THE HOUSE	425	1:00 pm
HB	421	Party Alignment Rotated.
HB	499	District 30 Split.
HB	512	Assisted Living Administrators.
HB	526	15A Assistant District Attorneys/Funds.
HB	605	Craven County Local Act-2.
HB	698	District 19A Assistant District Attorneys/Funds.
HB	787	Mecklenburg County Local Act.
HB	992	Indigent Defense Funds Limit.
HB	1117	New Hanover/Pender Judicial Districts.
WAYS & MEANS	1425	1:00 pm
HB	470	Summerfield Council Removal.
HB	471	Stokesdale/Summerfield Zoning.
HB	525	Phone Solicitations/Caller Identification.
HB	885	Self-Serve Storage/Late Payments.
HB	918	Increase Death Benefits.

Wednesday, April 21, 1999

ROOM TIME

APPROP/Capital	643	12:00	Noon
APPROP/Justice & Public Safety (JOINT)	415	8:30	am
APPROP/ Natural & Economic Resources (JOINT)	423	8:30	am
APPROP/Transportation	1228/1327	8:30	am

COMMITTEE MEETINGS
(continued)

Wednesday, April 21, 1999

ROOM TIME

ELECTION LAW & CAMPAIGN FINANCE REFORM	1228/1327	11:00	am	and
HB	98	Four Year Terms.		
HB	175	Absentee Voting Changes.		
HB	1072	Voter Registration Cleanup.		
ELECTION LAW & CAMPAIGN FINANCE REFORM	1228/1327	15 min.	after session	
HB	930	Qualifications/Consistency.		
HB	1161	Gubernatorial Team Ticket.		
HB	1179	Independent Redistricting Commission-2.		
HB	1180	Term Limits.		
HB	1181	Redistricting Criteria.		
INSURANCE	1425	2:00	pm	
HB	715	Utilization Review/Amer. Soc. of Addiction Medicine Criteria		
HB	922	Regulate Used Motor Vehicle Parts.		
HB	965	Fire Marshals in Pension Fund.		
HB	990	Increase Auto Insurance Coverage.		
HB	991	Workers' Compensation and UIM Insurance.		
JUDICIARY IV	421	7:30	am	and
HB	1204	Restore Drivers License After Foreign Judgments.		
HB	1221	District Attorney Discretion/Capital Case.		
HB	1224	Expand Magistrates' Authority.		
LOCAL GOVERNMENT II	1425	11:00	am	
HB	650	Brunswick Personal Watercraft.		
HB	810	Mecklenburg School Acquisition.		
HB	828	Revaluation Tax Rate Notice.		
HB	829	Transylvania School Construction Flexibility.		
HB	840	Bid Law Exemption/Onslow Courthouse.		
HB	844	Orange County Civil Rights.		
HB	846	Farmville Extraterritorial Jurisdiction.		
HB	847	Pitt County Investments.		

A visit to the library would prove the ~~local Walden books~~ carries at least ~~twenty~~ ^{hundreds} there to be ~~tuned~~ ^{of varying} authority opinions on this topic, ~~to read in a month.~~

- this type of legislation places ~~the~~ tremendous burden ^{of this demand} on the judges leaving the suits: a burden both unfair to the judge and to ^{ALL} the family members involved.

② the second point that must be determined by the court in order to award custody is equally as ambiguous: "

What exactly constitutes substantial interference? ~~At~~ ^{At what point is family unity undermined?}

A circuit court in Virginia decided that every other Saturday from 10-6 and every other Thursday from 3 until 6. ~~did not constitute substantial interference~~

Isn't the age of the child involved of the utmost importance to how about the state's emotional security?

	HB	855	Kings Mountain/Shelby Extraterritorial Jurisdiction.
	HB	867	Wilson Annexations.
PUBLIC HEALTH	421	11:00 am	
	HB	96	Adult Care Home/Licensure Exempt.
	HB	957	Physician Signature Certification/Death Records.
	SB	273	Cancer Control Reporting.
PUBLIC UTILITIES		544 10:00 am	
	HB	476	Electric Membership Corporations Subsidiaries.
	HB	777	Future of Electric Service/Funding.
SMALL BUSINESS	421	12:00 Noon	
	HB	1028	Regulate Cash Converters.
	HB	1247	Professional Employer Organizations.
	HB	1277	Pharmacy Choice/Competition.
	HB	1230	Liveable State Minimum Wage.
TRANSPORTATION	643	11:00 am	
	HB	128	Nonbetterment Relocation Costs.
	HB	299	Outdoor Advertising Control Act.
	HB	723	Dark Window Inspection Fee.
	HB	748	Highway Utility Nonbetterment Cost.
	HB	789	Highway Utility Nonbetterment Cost-2.

COMMITTEE MEETINGS
(continued)

Wednesday, April 21, 1999		ROOM	TIME	
WAYS & MEANS	1228/1327		10:00 am	
	HB	454		Simplify Bid Process/Capital Projects.
	HB	467		Use of School Buses Okayed/US Open.
	HB	820		Voluntary Shared Leave.
	HB	968		Amend Contested Case Procedures.
WILDLIFE RESOURCES		424	12:00 Noon	
	SB	391		Moore Deer Hunting.

BILL DEADLINES

All Public Bills, under Rule 38, required to be re-referred to Appropriations or to both Appropriations and Finance MUST be submitted to Bill Drafting no later than 4:00 pm on Wednesday, April 21.

VISITOR REGISTRATION SHEET

Rules

4-21-99

Name of Committee

Date

VISITORS: Please sign below and return to Committee Clerk.

NAME	FIRM OR STATE AGENCY AND ADDRESS
Shelbi Delair	GP
Loa B. Nilsen	NCAH TC 7
Stacy Flannery	NCHCFA
Jerry Cooper	NCAAL
Debra M. Munnick	PA
Carol M. Roberts	GP
Maurice M. Roberts	G.P.
Allen Hooper	GP
Carolyn King	GP
Margaret King	P. Inst
Lisa REYES	THE INSIDER
Ruby M. Ellis	GP - GC
Louise McIntyre	GP - GC
BNA Mills	G.P. G.C.
Betty Sullivan	GP/GC
Joanne Walters	NEGA Rep. Decker
David Ferrell	HMC CC + C PA
Kathy Hawthorn	worried Mamma 5504 Lady Rd Durham
Crispy Porter	B & A
John Phelps	NCLM
Shirley Nissell	GP-GC

VISITOR REGISTRATION SHEET

Rules

4.21.99

Name of Committee

Date

VISITORS: Please sign below and return to Committee Clerk.

NAME

FIRM OR STATE AGENCY AND ADDRESS

Chris Mankin

AOC

Ann Case

NCRMA

Glenn Bonds

AOC

Robert Paschal

Young, Anderson & Henderson

Andy Elle

NCRMA

Fran Presta

NCRMA

George Teague

Moore & Van Allen

Janis Ramquist

NCRMA

AL DEITZ

DOA / YAFD

AGENDA

**HOUSE COMMITTEE ON RULES, CALENDAR AND
OPERATIONS OF THE HOUSE**

**April 22, 1999
Room 421 LOB
6:25 PM**

OPENING REMARKS

Representative Culpepper, Chairman

CONSIDERATION OF BILLS

ACTION TAKEN ON BILLS

ADJOURNMENT

MINUTES OF THE COMMITTEE ON RULES, CALENDAR AND OPERATIONS OF
THE HOUSE

April 22, 1999

The Committee on Rules, Calendar and Operations of the House met on April 22, 1999 6:25 p.m. in Room 421, Legislative Office Building. The following members were present: Representatives Culpepper, Chairman; Hackney, Vice Chairman; Alexander, Allen, Boyd-McIntyre, Crawford, Gibson, Gulley, Hill, Jarrell, Michaux, Ramsey, Tolson and Yongue.

The following bills were considered:

HOUSE BILL 440-AN ACT RELATING TO THE GOVERNANCE OF BEAUFORT COUNTY. A proposed committee substitute changing the title to AN ACT TO EXTEND THE SUNSET ON THE LAW PROVIDING FOR THE HUNTING AND TRAPPING OF FOXES AND RACCOONS IN HYDE AND BEAUFORT COUNTIES AND ALLOWING THE USE OF SNARES WHEN TRAPPING FUR-BEARING ANIMALS IN THOSE COUNTIES was offered, and Representative Crawford moved for adoption of the proposed committee substitute for the purpose of discussion. Without objection, it was so ordered. Representative Edwards, bill sponsor, explained that the proposed committee substitute extends the sunset by two years with no objection from wildlife proponents. Representative Hill moved to give the proposed committee substitute a favorable report, unfavorable as to the original bill. The motion carried.

HOUSE BILL 677-AN ACT TO AUTHORIZE GRAHAM, HAYWOOD, JACKSON, MADISON, AND SWAIN COUNTIES TO REQUIRE THE PAYMENT OF DELINQUENT PROPERTY TAXES BEFORE RECORDING DEEDS CONVEYING PROPERTY. The chairman informed the committee that the bill was given a favorable report by the Committee on Local Government II, but questions were raised concerning the constitutionality of the subject matter of the bill. The bill was re-referred to the Rules Committee, and the opinion of the Institute of Government was requested as to the constitutionality of the bill. It was the opinion of The Institute of Government that the bill is not unconstitutional; that it is a policy decision as opposed to a constitutional matter. The subject matter of HOUSE BILL 444-AN ACT TO AUTHORIZE POLK COUNTY TO REQUIRE THE PAYMENT OF DELINQUENT PROPERTY TAXES BEFORE RECORDING DEEDS CONVEYING PROPERTY, is identical to that of House Bill 677, and a proposed committee substitute was offered changing the name of House Bill 677 to AN ACT TO AUTHORIZE GRAHAM, HAYWOOD, JACKSON, MADISON, POLK, AND SWAIN COUNTIES TO REQUIRE THE PAYMENT OF DELINQUENT PROPERTY TAXES BEFORE RECORDING DEEDS CONVEYING PROPERTY. Representative Hackney moved that the proposed committee substitute be given a favorable report, unfavorable as to original bill. The motion passed.

HOUSE BILL 519-AN ACT RELATING TO THE 50TH HOUSE DISTRICT. Representative Justus, bill sponsor, offered a proposed committee substitute changing the title to AN ACT TO ALLOW HENDERSON COUNTY TO ADJUST THE BOUNDARIES OF CHAPTER 69 FIRE TAX DISTRICT. Representative Hackney moved for adoption of the proposed committee substitute for the purpose of discussion. Without objection, it was so

ordered. Following Representative Justus' explanation, Representative Boyd-McIntyre moved that the proposed committee substitute be reported without prejudice, unfavorable as to the original bill, and be re-referred to the Committee on Finance. The motion passed.

HOUSE BILL 520-AN ACT RELATING TO THE 50TH HOUSE DISTRICT.

Representative Justice, bill sponsor, offered a proposed committee substitute changing the title to AN ACT TO ALLOW THE TOWN OF FLAT ROCK TO BUILD A FACILITY FOR A PUBLIC ENTERPRISE AND THEN CONVEY IT TO THE TOWN OF HENDERSONVILLE WITHOUT OPERATING IT. Representative Jarrell moved for adoption of the proposed committee substitute for the purpose of discussion. Without objection, it was so ordered. Representative Alexander made a motion that the proposed committee substitute be reported without prejudice, unfavorable as to the original bill, and be referred to the Committee on Local Government 1. The motion carried.

HOUSE BILL 620-AN ACT TO CREATE THE TOBACCO GROWERS AND ALLOTMENT HOLDERS COMMISSION AND TO PROVIDE FOR PAYMENT TO TOBACCO GROWERS AND ALLOTMENT HOLDERS and HOUSE BILL 621-AN ACT TO PROVIDE FOR THE DISTRIBUTION OF TOBACCO LITIGATION MASTER SETTLEMENT AGREEMENT FUNDS FOR THE YEAR 1998 AND THEREAFTER were sponsored by Representatives Baker and Russell. Representative Baker explained both bills, and Representative Hill made a motion that the bills be reported without prejudice and be re-referred to the Committee on the Select Committee on Tobacco Settlement. The motion passed.

HOUSE BILL 639-AN ACT TO PROVIDE FOR AN EXPANSION OF RIGHTS UNDER EXISTING LAW PERTAINING TO GRANDPARENT VISITATION. The chairman, bill sponsor, turned over the chair to Representative Hackney in order to present the bill. He offered an amendment and moved for its adoption. Discussion followed and Representative Allen moved for adoption of the amendment. The motion carried. Further discussion followed after which Representative Allen made a motion that the amendment be incorporated into a committee substitute, and the motion passed. He then moved that the committee substitute be given a favorable report, unfavorable as to the original bill.. The motion carried.

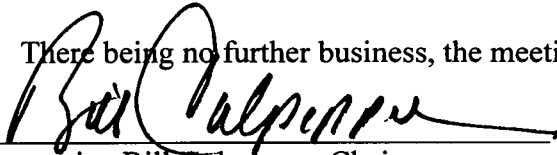
HOUSE RESOLUTION 1321- A HOUSE RESOLUTION HONORING THE SESQUICENTENNIAL OF ALAMANCE COUNTY. Representative Allred presented the bill, and Representative Hackney moved for its adoption. The motion carried.

HOUSE BILL 751-AN ACT TO IMPOSE A MORATORIUM ON NEW TECHNOLOGY INITIATIVES UNTIL AFTER JANUARY 1, 2000, AS RECOMMENDED BY THE STATE AUDITOR, introduced by Representative Gardner. Representative Hackney thought the bill to be a good recommendation but questioned whether it should be a mandate until it is known what systems are already in progress or what the various agencies are doing in the way of technology. The chairman commented that it appears to him that the bill lends itself to being a special provision in the budget bill and recommended that it be reported without prejudice and be re-referred to the Committee on Appropriations. Representative Alexander so moved, and the motion carried.

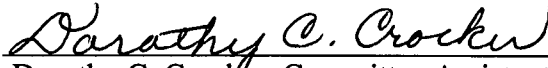
HOUSE RESOLUTION 752-A HOUSE RESOLUTION URGING CONGRESS TO DESIGNATE APRIL 30 AS CHILDREN'S DAY. Representative Gardner, bill sponsor, explained the resolution, and Representatives Hill and Ramsey jointly moved for its adoption. The motion carried.

HOUSE BILL 919-AN ACT TO PROVIDE GOVERNMENTAL ACCOUNTABILITY AND PROTECTION TO THE TAXPAYERS BY LIMITING INCREASES IN THE GENERAL FUND BUDGET, REFORMING THE BUDGET PROCESS, ESTABLISHING AN EMERGENCY RESERVE TRUST FUND, AND PROHIBITING UNFUNDED STATE MANDATES. The chairman commented that Representative Starnes, the bill sponsor, was not present and that notices had been sent to Representative Starnes on two other occasions when the bill was to have been considered, but he had not appeared to present the bill. Representative Gibson moved that the bill be given an unfavorable report. The motion passed.

There being no further business, the meeting adjourned at 7:50 p.m.



Representative Bill Culpepper, Chairman



Dorothy C. Crocker, Committee Assistant

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1999

H

1

HOUSE BILL 440

Short Title: Beaufort County Local Act.

(Local)

Sponsors: Representative Edwards.

Referred to: Rules, Calendar and Operations of the House.

March 15, 1999

- 1 A BILL TO BE ENTITLED
2 AN ACT RELATING TO THE GOVERNANCE OF BEAUFORT COUNTY.
3 The General Assembly of North Carolina enacts:
4 Section 1. This act applies to Beaufort County only.
5 Section 2. This act is effective when it becomes law.

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1999

H

D

HOUSE BILL 440
Proposed Committee Substitute H440-PCS2290-LL

Short Title: Extend Beaufort/Hyde Hunting.

(Local)

Sponsors:

Referred to:

March 15, 1999

A BILL TO BE ENTITLED

1
2 AN ACT TO EXTEND THE SUNSET ON THE LAW PROVIDING FOR THE
3 HUNTING AND TRAPPING OF FOXES AND RACCOONS IN HYDE AND
4 BEAUFORT COUNTIES AND ALLOWING THE USE OF SNARES WHEN
5 TRAPPING FUR-BEARING ANIMALS IN THOSE COUNTIES.

6 The General Assembly of North Carolina enacts:

7 Section 1. Section 9 of S.L. 1997-132 reads as rewritten:

8 "Section 9. This act becomes effective October 1, 1997, and expires ~~June 1, 1999.~~
9 June 1, 2001."

10 Section 2. This act is effective when it becomes law.

**1999 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES**

The following report(s) from standing committee(s) is/are presented:

By Representative(s) **Culpepper** for the Committee on **RULES, CALENDAR AND OPERATIONS OF THE HOUSE.**

- Committee Substitute for
H.B. 440 A BILL TO BE ENTITLED AN ACT RELATING TO THE GOVERNANCE OF
BEAUFORT COUNTY.
- With a favorable report.
- With a favorable report and recommendation that the bill be re-referred to the Committee on
Appropriations Finance .
- With a favorable report, as amended.
- With a favorable report, as amended, and recommendation that the bill be re-referred to the
Committee on Appropriations Finance .
- With a favorable report as to committee substitute bill (~~#~~), which changes the title,
unfavorable as to ~~(original bill) (Committee Substitute Bill #)~~; ~~(and recommendation~~
~~that the committee substitute bill #~~) ~~be re-referred to the Committee on~~.
- With a favorable report as to House committee substitute bill (#), which changes
the title, unfavorable as to Senate committee substitute bill.
- With an unfavorable report.
- With recommendation that the House concur.
- With recommendation that the House do not concur.
- With recommendation that the House do not concur; request conferees.
- With recommendation that the House concur; committee believes bill to be material.
- With an unfavorable report, with a Minority Report attached.
- Without prejudice.
- With an indefinite postponement report.
- With an indefinite postponement report, with a Minority Report attached.
- With recommendation that it be adopted. (HOUSE RESOLUTION ONLY)

2/24/99

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1999

H

1

HOUSE BILL 677

Short Title: Certain Counties Delinquent Taxes.

(Local)

Sponsors: Representatives Haire; and Ramsey (Primary Sponsors).

Referred to: Local Government II.

March 29, 1999

1 A BILL TO BE ENTITLED
2 AN ACT TO AUTHORIZE GRAHAM, HAYWOOD, JACKSON, MADISON,
3 AND SWAIN COUNTIES TO REQUIRE THE PAYMENT OF DELINQUENT
4 PROPERTY TAXES BEFORE RECORDING DEEDS CONVEYING
5 PROPERTY.

6 The General Assembly of North Carolina enacts:

7 Section 1. Article 2 of Chapter 161 of the General Statutes is amended
8 by adding a new section to read:

9 "**§ 161-31. Tax certification.**

10 The board of commissioners of a county may, by resolution, require the register of
11 deeds not to accept any deed for registration unless the county tax collector has
12 certified that no delinquent ad valorem county taxes, ad valorem municipal taxes, or
13 taxes with which the collector is charged are a lien on the property described in the
14 deed."

15 Section 2. This act applies only to Graham, Haywood, Jackson, Madison,
16 and Swain Counties.

17 Section 3. This act is effective when it becomes law.

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1999

H

D

HOUSE BILL 677
Proposed Committee Substitute H677-PCSA139-RN

Short Title: Certain Counties Delinquent Taxes.

(Local)

Sponsors:

Referred to:

March 29, 1999

- 1 A BILL TO BE ENTITLED
2 AN ACT TO AUTHORIZE GRAHAM, HAYWOOD, JACKSON, MADISON,
3 POLK, AND SWAIN COUNTIES TO REQUIRE THE PAYMENT OF
4 DELINQUENT PROPERTY TAXES BEFORE RECORDING DEEDS
5 CONVEYING PROPERTY.
6 The General Assembly of North Carolina enacts:
7 Section 1. Article 2 of Chapter 161 of the General Statutes is amended
8 by adding a new section to read:
9 "§ 161-31. Tax certification.
10 The board of commissioners of a county may, by resolution, require the register of
11 deeds not to accept any deed for registration unless the county tax collector has
12 certified that no delinquent ad valorem county taxes, ad valorem municipal taxes, or
13 taxes with which the collector is charged are a lien on the property described in the
14 deed."
15 Section 2. This act applies only to Graham, Haywood, Jackson, Madison,
16 Polk, and Swain Counties.
17 Section 3. This act is effective when it becomes law.

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1999

H

1

HOUSE BILL 444

Short Title: Polk Delinquent Taxes.

(Local)

Sponsors: Representative Horn.

Referred to: Rules, Calendar and Operations of the House.

March 15, 1999

1 A BILL TO BE ENTITLED
2 AN ACT TO AUTHORIZE POLK COUNTY TO REQUIRE THE PAYMENT OF
3 DELINQUENT PROPERTY TAXES BEFORE RECORDING DEEDS
4 CONVEYING PROPERTY.
5 The General Assembly of North Carolina enacts:
6 Section 1. Article 2 of Chapter 161 of the General Statutes is amended
7 by adding a new section to read:
8 "§ 161-31. Tax certification.
9 The board of commissioners of a county may, by resolution, require the register of
10 deeds not to accept any deed for registration unless the county tax collector has
11 certified that no delinquent ad valorem county taxes, ad valorem municipal taxes, or
12 taxes with which the collector is charged are a lien on the property described in the
13 deed."
14 Section 2. This act applies only to Polk County.
15 Section 3. This act is effective when it becomes law.

**1999 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES**

The following report(s) from standing committee(s) is/are presented:

By Representative(s) **Culpepper** for the Committee on **RULES, CALENDAR AND OPERATIONS OF THE HOUSE**.

- Committee Substitute for
H.B. 677 A BILL TO BE ENTITLED AN ACT TO AUTHORIZE GRAHAM, HAYWOOD, JACKSON, MADISON, AND SWAIN COUNTIES TO REQUIRE THE PAYMENT OF DELINQUENT PROPERTY TAXES BEFORE RECORDING DEEDS CONVEYING PROPERTY.
- With a favorable report.
- With a favorable report and recommendation that the bill be re-referred to the Committee on Appropriations Finance .
- With a favorable report, as amended.
- With a favorable report, as amended, and recommendation that the bill be re-referred to the Committee on Appropriations Finance .
- With a favorable report as to committee substitute bill (~~#~~); which changes the title, unfavorable as to (original bill) (~~Committee Substitute Bill #~~), (and recommendation that the committee substitute bill #) be re-referred to the Committee on ~~_____~~.
- With a favorable report as to House committee substitute bill (# _____), which changes the title, unfavorable as to Senate committee substitute bill.
- With an unfavorable report.
- With recommendation that the House concur.
- With recommendation that the House do not concur.
- With recommendation that the House do not concur; request conferees.
- With recommendation that the House concur; committee believes bill to be material.
- With an unfavorable report, with a Minority Report attached.
- Without prejudice.
- With an indefinite postponement report.
- With an indefinite postponement report, with a Minority Report attached.
- With recommendation that it be adopted. (HOUSE RESOLUTION ONLY)

2/24/99

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1999

H

1

HOUSE BILL 519

Short Title: 50th House District-4.

(Local)

Sponsors: Representative Justus.

Referred to: Rules, Calendar and Operations of the House.

March 22, 1999

1

A BILL TO BE ENTITLED

2

AN ACT RELATING TO THE 50TH HOUSE DISTRICT.

3

The General Assembly of North Carolina enacts:

4

Section 1. This act relates to the 50th House District.

5

Section 2. This act is effective when it becomes law.

**1999 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES**

The following report(s) from standing committee(s) is/are presented:

By Representative(s) **Culpepper** for the Committee on **Rules, Calendar and Operations of the House.**

Committee Substitute for

H.B. 519 A BILL TO BE ENTITLED AN ACT RELATING TO THE 50TH HOUSE DISTRICT.

- With a favorable report.
- With a favorable report and recommendation that the bill be re-referred to the Committee on Appropriations Finance .
- With a favorable report, as amended.
- With a favorable report, as amended, and recommendation that the bill be re-referred to the Committee on Appropriations Finance .
- Without prejudice* With a favorable report as to committee substitute bill (~~#~~), which changes the title, unfavorable as to ~~(original bill) (Committee Substitute Bill #)~~, (and recommendation that the committee substitute bill ~~#~~) be re-referred to the Committee on *Finance*
- With a favorable report as to House committee substitute bill (#), which changes the title, unfavorable as to Senate committee substitute bill.
- With an unfavorable report.
- With recommendation that the House concur.
- With recommendation that the House do not concur.
- With recommendation that the House do not concur; request conferees.
- With recommendation that the House concur; committee believes bill to be material.
- With an unfavorable report, with a Minority Report attached.
- Without prejudice.
- With an indefinite postponement report.
- With an indefinite postponement report, with a Minority Report attached.
- With recommendation that it be adopted. (HOUSE RESOLUTION ONLY)

2/24/99

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1999

H

1

HOUSE BILL 520

Short Title: 50th House District-5.

(Local)

Sponsors: Representative Justus.

Referred to: Rules, Calendar and Operations of the House.

March 22, 1999

1

A BILL TO BE ENTITLED

2 AN ACT RELATING TO THE 50TH HOUSE DISTRICT.

3 The General Assembly of North Carolina enacts:

4 Section 1. This act relates to the 50th House District.

5 Section 2. This act is effective when it becomes law.

**1999 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES**

The following report(s) from standing committee(s) is/are presented:

By Representative(s) **Culpepper** for the Committee on **Rules, Calendar and Operations of the House.**

Committee Substitute for

H.B. 520 A BILL TO BE ENTITLED AN ACT RELATING TO THE 50TH HOUSE DISTRICT.

With a favorable report.

With a favorable report and recommendation that the bill be re-referred to the Committee on Appropriations Finance .

With a favorable report, as amended.

With a favorable report, as amended, and recommendation that the bill be re-referred to the Committee on Appropriations Finance .

Without prejudice With a favorable report as to committee substitute bill (~~#~~), which changes the title, unfavorable as to ~~(original bill)~~ ~~(Committee Substitute Bill #)~~, *and recommendation* that the committee substitute bill ~~#~~ be re-referred to the Committee on *LOCAL GOVERNMENT I*.

With a favorable report as to House committee substitute bill (#), which changes the title, unfavorable as to Senate committee substitute bill.

With an unfavorable report.

With recommendation that the House concur.

With recommendation that the House do not concur.

With recommendation that the House do not concur; request conferees.

With recommendation that the House concur; committee believes bill to be material.

With an unfavorable report, with a Minority Report attached.

Without prejudice.

With an indefinite postponement report.

With an indefinite postponement report, with a Minority Report attached.

With recommendation that it be adopted. (HOUSE RESOLUTION ONLY)

2/24/99

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1999

H

1

HOUSE BILL 620

Short Title: Create Tobacco Commission.

(Public)

Sponsors: Representatives Baker, Russell (Primary Sponsors); Davis, Sexton, Mitchell, Culp, and Preston.

Referred to: Rules, Calendar and Operations of the House.

March 25, 1999

1 A BILL TO BE ENTITLED
2 AN ACT TO CREATE THE TOBACCO GROWERS AND ALLOTMENT
3 HOLDERS COMMISSION AND TO PROVIDE FOR PAYMENTS TO
4 TOBACCO GROWERS AND ALLOTMENT HOLDERS.

5 The General Assembly of North Carolina enacts:

6 Section 1. Chapter 106 of the General Statutes is amended by adding the
7 following new Article to read:

8 "ARTICLE 70.

9 "Tobacco Growers and Allotment Holders Commission.

10 "§ 106-830. Creation of Commission.

11 There is hereby created the Tobacco Growers and Allotment Holders Commission.
12 The Commission shall administer the monies in the Tobacco Growers and Allotment
13 Holders Trust Fund to indemnify tobacco growers and allotment holders from the
14 adverse economic effects of the Master Settlement Agreement. The Commission shall
15 be located for administrative purposes within the Department of Agriculture and
16 Consumer Services but shall exercise its power independently of the Department.
17 The Commission may hire necessary staff to implement the provisions of this Article.
18 The actual expenses of the Commission incurred in the performance of its duties in
19 administering this Article shall be borne by the Fund.

20 "§ 106-831. Definitions.

21 As used in this Article:

22 (1) 'Commission' means the Tobacco Growers and Allotment Holders
23 Commission.

1 (2) 'Fund' means the Tobacco Growers and Allotment Holders Trust
2 Fund.

3 (3) 'Master Settlement Agreement' means the tobacco litigation
4 settlement agreement between tobacco manufacturers and the states,
5 as ratified in North Carolina through a consent decree in the action
6 State of North Carolina v. Philip Morris, et al., 98 CVS 14377, in
7 the General Court of Justice, Superior Court Division, Wake
8 County.

9 **"§ 106-832. Membership.**

10 (a) The Commission shall be comprised of 13 members. Each member shall serve
11 a four-year term. No member may serve more than two consecutive four-year terms.
12 Each member must be a North Carolina resident. The members shall be appointed
13 as follows:

14 (1) Six flue-cured tobacco growers, two of whom are appointed by the
15 Governor, two of whom are appointed by the General Assembly
16 upon the recommendation of the Speaker of the House of
17 Representatives, and two of whom are appointed by the General
18 Assembly upon the recommendation of the President Pro Tempore
19 of the Senate.

20 (2) Two burley tobacco growers, one of whom is appointed by the
21 General Assembly upon the recommendation of the Speaker of the
22 House of Representatives and one of whom is appointed by the
23 General Assembly upon the recommendation of the President Pro
24 Tempore of the Senate.

25 (3) Four members appointed at large, all of whom are knowledgeable of
26 the dynamics of rural and/or urban economies of tobacco-dependent
27 regions. Two of these at-large members shall be appointed by the
28 Governor, one shall be appointed by the General Assembly upon
29 the recommendation of the Speaker of the House of
30 Representatives, and one shall be appointed by the General
31 Assembly upon the recommendation of the President Pro Tempore
32 of the Senate.

33 (4) The Commissioner of Agriculture, ex officio.

34 (b) In making appointments, the appointing authorities shall consider nominees
35 representing tobacco trade organizations and other farm organizations. The
36 Governor shall designate the chair of the Commission, to serve at the pleasure of the
37 Governor.

38 (c) Staggering of initial Commission membership. -- To provide for staggering, the
39 initial board shall be chosen as follows: one at-large appointee of the Governor, one
40 of the flue-cured tobacco growers appointed by the General Assembly upon the
41 recommendation of the Speaker of the House of Representatives, and one of the flue-
42 cured tobacco growers appointed by the General Assembly upon the
43 recommendation of the President Pro Tempore of the Senate, shall serve a one-year
44 term; one of the flue-cured tobacco growers appointed by the General Assembly

1 upon the recommendation of the President Pro Tempore of the Senate, the at-large
2 appointee of the General Assembly upon the recommendation of the Speaker, and
3 the burley tobacco grower appointed by the General Assembly upon the
4 recommendation of the President Pro Tempore of the Senate shall serve a two-year
5 term; the at-large appointee of the General Assembly upon the recommendation of
6 the President Pro Tempore of the Senate, one flue-cured tobacco grower appointed
7 by the Governor, and the burley tobacco grower appointed by the General Assembly
8 upon the recommendation of the Speaker shall serve a three-year term; one at-large
9 appointee of the Governor, one flue-cured tobacco grower appointed by the General
10 Assembly upon the recommendation of the Speaker, and one flue-cured tobacco
11 grower appointed by the Governor shall serve four-year terms. Thereafter, all terms
12 shall be for four years. A vacancy shall be filled for the unexpired term by the
13 appropriate appointing authority.

14 **"§ 106-833. Trust Fund created.**

15 There is hereby created the Tobacco Growers and Allotment Holders Trust Fund.
16 The Trust Fund shall be credited with funds allocated or appropriated to it by the
17 General Assembly. The Trust Fund may also accept funds from other sources.
18 Monies from the Fund shall be expended as provided in G.S. 106-834.

19 **"§ 106-834. Duties; payment to tobacco growers and allotment holders.**

20 (a) The Commission shall distribute the monies in the Fund to indemnify tobacco
21 growers and allotment holders for the economic loss resulting from the decline or
22 elimination of tobacco quota or the decline in value of tobacco-related farm assets.
23 These funds shall be distributed to tobacco growers and allotment holders in addition
24 to funds that they may receive pursuant to any agreement for payment by the tobacco
25 companies directly to the growers and allotment holders (generally known as the
26 'Phase II' agreement). However, in no event shall the amount paid to a tobacco
27 grower or allotment holder through the Master Settlement Agreement, when
28 combined with the amount received through the Phase II agreement, exceed the
29 economic loss of the grower or allotment holder that results from the decline or
30 elimination of tobacco quota or the decline in value of tobacco-related farm assets.

31 (b) The Commission shall adopt criteria for the distribution of monies in the Fund
32 pursuant to this section. The Commission may consider criteria and formulas used
33 for the distribution of funds under the Phase II agreement."

34 Section 2. This act is effective when it becomes law.

**1999 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES**

The following report(s) from standing committee(s) is/are presented:

By Representative(s) **Culpepper** for the Committee on **RULES, CALENDAR AND OPERATIONS OF THE HOUSE.**

Committee Substitute for

H.B. 620 A BILL TO BE ENTITLED AN ACT TO CREATE THE TOBACCO GROWERS AND ALLOTMENT HOLDERS COMMISSION AND TO PROVIDE FOR PAYMENTS TO TOBACCO GROWERS AND ALLOTMENT HOLDERS.

With a favorable report.

With a favorable report and recommendation that the bill be re-referred to the Committee on Appropriations Finance .

With a favorable report, as amended.

With a favorable report, as amended, and recommendation that the bill be re-referred to the Committee on Appropriations Finance .

With a favorable report as to committee substitute bill (#), which changes the title, unfavorable as to (original bill) (Committee Substitute Bill #), (and recommendation that the committee substitute bill #) be re-referred to the Committee on .)

With a favorable report as to House committee substitute bill (#), which changes the title, unfavorable as to Senate committee substitute bill.

With an unfavorable report.

With recommendation that the House concur.

With recommendation that the House do not concur.

With recommendation that the House do not concur; request conferees.

With recommendation that the House concur; committee believes bill to be material.

With an unfavorable report, with a Minority Report attached.

Without prejudice. *and be re-referred to the Select Committee on the Tobacco Settlement.*

With an indefinite postponement report.

With an indefinite postponement report, with a Minority Report attached.

With recommendation that it be adopted. (HOUSE RESOLUTION ONLY)

2/24/99

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1999

H

1

HOUSE BILL 621

Short Title: Tobacco Payments 1998-2025.

(Public)

Sponsors: Representatives Baker, Russell (Primary Sponsors); Davis, Sexton, Mitchell, Culp, and Preston.

Referred to: Rules, Calendar and Operations of the House.

March 25, 1999

1 A BILL TO BE ENTITLED
2 AN ACT TO PROVIDE FOR THE DISTRIBUTION OF TOBACCO LITIGATION
3 MASTER SETTLEMENT AGREEMENT FUNDS FOR THE YEAR 1998 AND
4 THEREAFTER.

5 Whereas, the General Assembly, in S.L. 1999-2, has approved the
6 creation of a nonprofit corporation to receive fifty percent of the funds from the
7 tobacco litigation Master Settlement Agreement; and

8 Whereas, each annual installment payment due to the nonprofit
9 corporation pursuant to the Master Settlement Agreement is conditionally assigned by
10 the General Assembly to the nonprofit corporation; and

11 Whereas, S.L. 1999-2 provides that the General Assembly may enact an
12 act to stop the assignment of annual payments to the nonprofit corporation before
13 those payments are received in North Carolina's State Specific Account; Now,
14 therefore,

15 The General Assembly of North Carolina enacts:

16 Section 1. The purpose of this act is to (i) provide, to the extent feasible,
17 fifty percent (50%) of all Master Settlement Agreement funds during the period 1998
18 through 2025 to the nonprofit corporation and twenty-five percent (25%) of those
19 funds during the same period to the tobacco growers and allotment holders through a
20 Tobacco Growers and Allotment Holders Trust Fund; and (ii) recognize the
21 immediate financial needs of tobacco growers and allotment holders by providing for
22 a greater percentage of funds for tobacco growers and allotment holders until 2010.

1 Section 2. Notwithstanding Sections 2(a) and 2(b) of S.L. 1999-2, the
2 annual installment payments for the years 1998 through 2010 that would otherwise be
3 assigned to the nonprofit corporation from the Master Settlement Agreement shall
4 instead be appropriated as follows:

5 (1) Sixty-nine and six-tenths percent (69.6%) to the Tobacco Growers
6 and Allotment Holders Trust Fund established pursuant to Article
7 70 of Chapter 106 of the General Statutes.

8 (2) Thirty and four-tenths percent (30.4%) to the nonprofit
9 corporation referred to in Section 1 of this act.

10 Section 3. Of the funds to be received pursuant to the Master Settlement
11 Agreement in the Settlement Reserve Fund pursuant to G.S. 143-16.4 for the period
12 1998 through 2010, fifty percent (50%) of each annual payment shall be appropriated
13 to the Tobacco Growers and Allotment Holders Trust Fund established pursuant to
14 Article 70 of Chapter 106 of the General Statutes. If the Trust Fund is not in
15 existence at the time those funds are credited to the Settlement Reserve Fund, the
16 portion of the funds earmarked by this section for the Trust Fund shall be transferred
17 to the restricted reserve account referred to in Section 5 of this act.

18 Section 4. During the period 2011 through 2025, the nonprofit
19 corporation referred to in Section 1 of this act shall receive the full assignment of
20 funds provided for in S.L. 1999-2 and shall be appropriated additional funds as
21 necessary from the Settlement Reserve Fund to bring the nonprofit corporation's
22 receipt of funds during the 1998-2025 payment period to fifty percent (50%) of the
23 total amount of the Master Settlement Agreement funds available during that period.

24 Section 5. If the Tobacco Growers and Allotment Holders Trust Fund is
25 not in existence at the time payments from the Master Settlement Agreement are
26 received in North Carolina's State Specific Account, the payments shall be held in a
27 restricted reserve account within the General Fund to be used for the payment of
28 tobacco growers and allotment holders for the economic loss resulting from the
29 decline or elimination of tobacco quota or the decline in value of farm-related
30 tobacco assets.

31 Section 6. This act is effective when it becomes law.

**1999 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES**

The following report(s) from standing committee(s) is/are presented:

By Representative(s) **Culpepper** for the Committee on **RULES, CALENDAR AND OPERATIONS OF THE HOUSE.**

Committee Substitute for

H.B. 621 A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR THE
DISTRIBUTION OF TOBACCO LITIGATION MASTER SETTLEMENT AGREEMENT
FUNDS FOR THE YEAR 1998 AND THEREAFTER.

With a favorable report.

With a favorable report and recommendation that the bill be re-referred to the Committee on
Appropriations Finance .

With a favorable report, as amended.

With a favorable report, as amended, and recommendation that the bill be re-referred to the
Committee on Appropriations Finance .

With a favorable report as to committee substitute bill (#), which changes the title,
unfavorable as to (original bill) (Committee Substitute Bill #), (and recommendation
that the committee substitute bill #) be re-referred to the Committee on .)

With a favorable report as to House committee substitute bill (#), which changes
the title, unfavorable as to Senate committee substitute bill.

With an unfavorable report.

With recommendation that the House concur.

With recommendation that the House do not concur.

With recommendation that the House do not concur; request conferees.

With recommendation that the House concur; committee believes bill to be material.

With an unfavorable report, with a Minority Report attached.

Without prejudice. *and be re-referred to The Select Committee on The
Tobacco Settlement.*

With an indefinite postponement report.

With an indefinite postponement report, with a Minority Report attached.

With recommendation that it be adopted. (HOUSE RESOLUTION ONLY)

2/24/99

1 provisions of this section. Under no circumstances shall a biological grandparent of a
2 child adopted by adoptive parents, neither of whom is related to the child and where
3 parental rights of both biological parents have been terminated, be entitled to
4 visitation rights. A court may award visitation rights ~~if as~~ it determines ~~that visitation~~
5 ~~is to be~~ in the best interest of the ~~child.~~ grandchild. ~~An order awarding visitation~~
6 ~~rights shall contain findings of fact which support the determination by the judge of~~
7 ~~the best interest of the child.~~ An order awarding or denying visitation under this
8 section shall contain findings of fact supporting the award or denial of visitation
9 based on the grandchild's best interest. If the grandchild's legal parents are married
10 and living together, the court shall not award visitation unless the court determines
11 the following by clear and convincing evidence:

- 12 (1) That there is a preexisting relationship between the grandparent
13 and the grandchild that has engendered a bond such that visitation
14 is in the best interest of the grandchild; and
15 (2) That the amount and circumstances of the visitation awarded will
16 not substantially interfere with the right of the parents to exercise
17 their parental authority.

18 Where the grandchild's legal parents are married and living together, there is a
19 presumption that may be rebutted by clear and convincing evidence that visitation by
20 a grandparent is not in the best interest of the grandchild if the grandchild's legal
21 parents agree that the grandparent should not be granted visitation rights. Where the
22 grandchild's legal parents either are not married or are not living together, or both,
23 there is no presumption on behalf of any party to the action. Procedure, venue, and
24 jurisdiction shall be are the same as in an action for custody."

25 Section 4. G.S. 50-13.5(j) is repealed.

26 Section 5. This act becomes effective October 1, 1999.

PLEASE PRESS HARD - 5 COPIES

NORTH CAROLINA GENERAL ASSEMBLY AMENDMENT

(Please type or use ballpoint pen)

EDITION No. _____

H. B. No. 639

DATE April 22, 1999

S. B. No. _____

Amendment No. 1

(to be filled in by
Principal Clerk)

COMMITTEE SUBSTITUTE _____

Rep.)

Culpepper

Sen.)

1. moves to amend the bill on page 2, line 11

2 () WHICH CHANGES THE TITLE

3 by changing the line to read: "the following:"

4
5 and on line 18 by replacing the word "legal" with

6 the word "biological"; and on line 20 by replacing

7 the word "legal" with the word "biological";
8 and on line 22 by replacing the word "legal" with
9 the word "biological".

10 _____

11 _____

12 _____

13 _____

14 _____

15 _____

16 _____

17 _____

18 _____

SIGNED Bill Culpepper

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1999

H

D

HOUSE BILL 639
Proposed Committee Substitute H639-PCS4232-RN

Short Title: Grandparent Visitation.

(Public)

Sponsors:

Referred to:

March 29, 1999

1 A BILL TO BE ENTITLED
2 AN ACT TO PROVIDE FOR AN EXPANSION OF RIGHTS UNDER EXISTING
3 LAW PERTAINING TO GRANDPARENT VISITATION.

4 The General Assembly of North Carolina enacts:

5 Section 1. G.S. 50-13.1(a) reads as rewritten:

6 "(a) Any parent, relative, or other person, agency, organization or institution
7 claiming the right to custody of a minor child may institute an action or proceeding
8 for the custody of such child, as hereinafter provided. Unless a contrary intent is
9 clear, the word 'custody' as it applies to parents of a minor child shall be deemed to
10 include custody or visitation or both."

11 Section 2. G.S. 50-13.2(b1) reads as rewritten:

12 "(b1) An order for custody of a minor child may provide visitation rights for any
13 grandparent of the child as the court, in its discretion, deems appropriate. ~~As used in~~
14 ~~this subsection, "grandparent" includes a biological grandparent of a child adopted by~~
15 ~~a stepparent or a relative of the child where a substantial relationship exists between~~
16 ~~the grandparent and the child.~~ Under no circumstances shall a biological
17 grandparent of a child adopted by adoptive parents, neither of whom is related to the
18 child and where parental rights of both biological parents have been terminated, be
19 entitled to visitation rights."

20 Section 3. G.S. 50-13.2A reads as rewritten:

21 "**§ 50-13.2A. Action for visitation of an adopted grandchild by grandparent.**

22 A biological grandparent may institute an action or proceeding for visitation rights
23 with a grandchild ~~child adopted by a stepparent or a relative of the child where a~~

1 ~~substantial relationship exists between the grandparent and the child.~~ under the
2 provisions of this section. Under no circumstances shall a biological grandparent of a
3 child adopted by adoptive parents, neither of whom is related to the child and where
4 parental rights of both biological parents have been terminated, be entitled to
5 visitation rights. A court may award visitation rights if as it determines that visitation
6 is to be in the best interest of the child, grandchild. ~~An order awarding visitation~~
7 ~~rights shall contain findings of fact which support the determination by the judge of~~
8 ~~the best interest of the child.~~ An order awarding or denying visitation under this
9 section shall contain findings of fact supporting the award or denial of visitation
10 based on the grandchild's best interest. If the grandchild's legal parents are married
11 and living together, the court shall not award visitation unless the court determines
12 the following:

- 13 (1) That there is a preexisting relationship between the grandparent
14 and the grandchild that has engendered a bond such that visitation
15 is in the best interest of the grandchild; and
16 (2) That the amount and circumstances of the visitation awarded will
17 not substantially interfere with the right of the parents to exercise
18 their parental authority.

19 Where the grandchild's biological parents are married and living together, there is a
20 presumption that may be rebutted by clear and convincing evidence that visitation by
21 a grandparent is not in the best interest of the grandchild if the grandchild's
22 biological parents agree that the grandparent should not be granted visitation rights.
23 Where the grandchild's biological parents either are not married or are not living
24 together, or both, there is no presumption on behalf of any party to the action.
25 Procedure, venue, and jurisdiction shall be are the same as in an action for custody."

26 Section 4. G.S. 50-13.5(j) is repealed.

27 Section 5. This act becomes effective October 1, 1999.

**1999 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES**

The following report(s) from standing committee(s) is/are presented:

By Representative(s) **Culpepper** for the Committee on **RULES, CALENDAR AND OPERATIONS OF THE HOUSE.**

- Committee Substitute for
H.B. 639 A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR AN EXPANSION
OF RIGHTS UNDER EXISTING LAW PERTAINING TO GRANDPARENT
VISITATION.
- With a favorable report.
- With a favorable report and recommendation that the bill be re-referred to the Committee on
Appropriations Finance .
- With a favorable report, as amended.
- With a favorable report, as amended, and recommendation that the bill be re-referred to the
Committee on Appropriations Finance .
- With a favorable report as to committee substitute bill (~~#~~), which changes the title,
unfavorable as to (original bill) (~~Committee Substitute Bill #~~), (and recommendation
that the committee substitute bill # ~~be re-referred to the Committee on~~)
- With a favorable report as to House committee substitute bill (#), which changes
the title, unfavorable as to Senate committee substitute bill.
- With an unfavorable report.
- With recommendation that the House concur.
- With recommendation that the House do not concur.
- With recommendation that the House do not concur; request conferees.
- With recommendation that the House concur; committee believes bill to be material.
- With an unfavorable report, with a Minority Report attached.
- Without prejudice.
- With an indefinite postponement report.
- With an indefinite postponement report, with a Minority Report attached.
- With recommendation that it be adopted. (HOUSE RESOLUTION ONLY)

2/24/99

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1999

H

1

HOUSE RESOLUTION 1321

Sponsors: Representatives Allred; Setzer, Teague, and Cole.

Referred to: Rules, Calendar and Operations of the House.

April 22, 1999

1 A HOUSE RESOLUTION HONORING THE SESQUICENTENNIAL OF
2 ALAMANCE COUNTY.

3 Whereas, one hundred fifty years ago, in 1849, the citizens of the area of
4 then Orange County, known as the Alamance Section, desiring to be separate and
5 distinct from Orange County, were authorized to become ordained as a county by the
6 North Carolina House of Commons and Senate; and

7 Whereas, Alamance County was established as a county on April 24,
8 1849; and

9 Whereas, Alamance County was the first home of the Company Shops of
10 the North Carolina Railroad which was also established by the legislature in 1849;
11 and

12 Whereas, Alamance County is the home of the first armed resistance by
13 colonialists against unfair taxes levied by representatives of the British colonial
14 government, at the Battle of Alamance in May 1771; and

15 Whereas, in 1847, Calvin Wiley, father of the public school system in
16 North Carolina, wrote in his book about Alamance of its honest, straightforward, and
17 loyal people by saying, "These (people of the Alamance Section), with whom I
18 mingled were a plain, unfrizzled people, . . . addicted to sobriety and matrimony and
19 greatly deficient in the act of lying"; and

20 Whereas, the people of Alamance County continue to possess a strong
21 spirit of freedom and independence; Now, therefore,
22 Be it resolved by the House of Representatives:

23 Section 1. The North Carolina House of Representatives confirms,
24 honors, and celebrates the County of Alamance upon its Sesquicentennial anniversary
25 on April 24, 1999.

1 Section 2. The Principal Clerk shall transmit a certified copy of this
2 resolution to the Alamance County Board of Commissioners.

3 Section 3. This resolution is effective upon adoption.

**1999 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES**

The following report(s) from standing committee(s) is/are presented:

By Representative(s) **Culpepper** for the Committee on **Rules, Calendar and Operations of the House.**

- Committee Substitute for
H.R. 1321 A HOUSE RESOLUTION HONORING THE SESQUICENTENNIAL OF
ALAMANCE COUNTY.
- With a favorable report.
- With a favorable report and recommendation that the bill be re-referred to the Committee on
Appropriations Finance .
- With a favorable report, as amended.
- With a favorable report, as amended, and recommendation that the bill be re-referred to the
Committee on Appropriations Finance .
- With a favorable report as to committee substitute bill (#), which changes the title,
unfavorable as to (original bill) (Committee Substitute Bill #), (and recommendation
that the committee substitute bill #) be re-referred to the Committee on .)
- With a favorable report as to House committee substitute bill (#), which changes
the title, unfavorable as to Senate committee substitute bill.
- With an unfavorable report.
- With recommendation that the House concur.
- With recommendation that the House do not concur.
- With recommendation that the House do not concur; request conferees.
- With recommendation that the House concur; committee believes bill to be material.
- With an unfavorable report, with a Minority Report attached.
- Without prejudice.
- With an indefinite postponement report.
- With an indefinite postponement report, with a Minority Report attached.
- With recommendation that it be adopted. (HOUSE RESOLUTION ONLY)

2/24/99

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1999

H

1

HOUSE BILL 751

Short Title: Moratorium on New Technology--Y2K.

(Public)

Sponsors: Representatives Gardner; Barefoot, Cansler, Clary, Culp, Esposito, Hensley, Howard, Morris, Preston, Smith, Tolson, C. Wilson, and G. Wilson.

Referred to: Rules, Calendar and Operations of the House.

March 31, 1999

1 A BILL TO BE ENTITLED
2 AN ACT TO IMPOSE A MORATORIUM ON NEW TECHNOLOGY
3 INITIATIVES UNTIL AFTER JANUARY 1, 2000, AS RECOMMENDED BY
4 THE STATE AUDITOR.

5 Whereas, the State Auditor submitted a performance audit of the
6 Department of Commerce, Information Technology Services, Year 2000 Project
7 Office, on March 18, 1999; and

8 Whereas, the State Auditor has noted that:

9 "Since there are no guarantees that some systems will not fail, contingency
10 planning in the face of potential failures should take precedence over other activities.
11 At the same time agency efforts should not be diluted by the development of new or
12 drastically modified automated systems within State government."; and

13 Whereas, the State Auditor recommended that the General Assembly
14 should place a moratorium on all major new technology initiatives until after January
15 1, 2000, ensuring that precious resources are directed to meeting the highest needs;
16 Now, therefore,

17 The General Assembly of North Carolina enacts:

18 Section 1. Notwithstanding any other provision of law, there is imposed
19 a moratorium on all agencies of the State on all major new technologies, the
20 development of new automated systems, and the drastic modification of automated
21 systems in State government. This moratorium shall not apply to systems and

1 technologies directly related to the Year 2000 Conversion Effort. The moratorium
2 shall expire on January 3, 2000.

3 Section 2. The Information Resources Management Commission shall
4 take all necessary actions to enforce the moratorium imposed by Section 1 of this act.

5 Section 3. This act is effective when it becomes law.

**1999 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES**

The following report(s) from standing committee(s) is/are presented:

By Representative(s) **CULPEPPER** for the Committee on **RULES, CALENDAR AND OPERATIONS OF THE HOUSE.**

Committee Substitute for
H.B. 751 A BILL TO BE ENTITLED AN ACT TO IMPOSE A MORATORIUM ON NEW TECHNOLOGY INITIATIVES UNTIL AFTER JANUARY 1, 2000, AS RECOMMENDED BY THE STATE AUDITOR.

- With a favorable report.
- With a favorable report and recommendation that the bill be re-referred to the Committee on Appropriations Finance .
- With a favorable report, as amended.
- With a favorable report, as amended, and recommendation that the bill be re-referred to the Committee on Appropriations Finance .
- With a favorable report as to committee substitute bill (#), which changes the title, unfavorable as to (original bill) (Committee Substitute Bill #), (and recommendation that the committee substitute bill #) be re-referred to the Committee on .)
- With a favorable report as to House committee substitute bill (#), which changes the title, unfavorable as to Senate committee substitute bill.
- With an unfavorable report.
- With recommendation that the House concur.
- With recommendation that the House do not concur.
- With recommendation that the House do not concur; request conferees.
- With recommendation that the House concur; committee believes bill to be material.
- With an unfavorable report, with a Minority Report attached.
- Without prejudice and be re-referred to the Committee on Appropriations.
- With an indefinite postponement report.
- With an indefinite postponement report, with a Minority Report attached.
- With recommendation that it be adopted. (HOUSE RESOLUTION ONLY)

2/24/99

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 1999

H

1

HOUSE RESOLUTION 752

Sponsors: Representatives Gardner; Adams, Barefoot, Clary, Culp, Esposito, Hensley, McCombs, Morris, Preston, Smith, Tolson, Wainwright, and G. Wilson.

Referred to: Rules, Calendar and Operations of the House.

March 31, 1999

1 A HOUSE RESOLUTION URGING CONGRESS TO DESIGNATE APRIL 30 AS
2 CHILDREN'S DAY.

3 Whereas, children are special citizens of America who deserve to be
4 recognized, nurtured, loved, and protected; and

5 Whereas, children are valued members of society who bring joy, pride,
6 and hope to this nation and her future; and

7 Whereas, the designation of a day equal to Mother's Day and Father' Day
8 to annually acknowledge children will provide focus whereby the nation,
9 organizations, and individuals can simultaneously celebrate the children; and

10 Whereas, an appropriate day to designate as Children's Day is in
11 springtime when the innocence of new life is a constant reminder to nurture, love,
12 and protect and when governing bodies who can affect children's issues are in
13 session; Now, therefore,

14 Be it resolved by the House of Representatives:

15 Section 1. The House of Representatives urges Congress to designate
16 April 30 of the present year and every year thereafter as Children's Day. The House
17 of Representatives further urges Congress on the passage of Children's Day to request
18 that the President of the United States issue a proclamation calling upon the citizens
19 of this nation to annually observe April 30 with appropriate ceremonies and activities
20 commensurate with Mother's Day and Father's Day including full calendar
21 recognition.

22 Section 2. The Principal Clerk shall transmit a certified copy of this
23 resolution to each member of North Carolina's Congressional Delegation.

24 Section 3. This resolution is effective upon adoption.

**1999 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES**

The following report(s) from standing committee(s) is/are presented:

By Representative(s) **Culpepper** for the Committee on **Rules, Calendar and Operations of the House.**

Committee Substitute for
H.R. 752 A HOUSE RESOLUTION URGING CONGRESS TO DESIGNATE APRIL 30
AS CHILDREN'S DAY.

- With a favorable report.
- With a favorable report and recommendation that the bill be re-referred to the Committee on Appropriations Finance .
- With a favorable report, as amended.
- With a favorable report, as amended, and recommendation that the bill be re-referred to the Committee on Appropriations Finance .
- With a favorable report as to committee substitute bill (#), which changes the title, unfavorable as to (original bill) (Committee Substitute Bill #), (and recommendation that the committee substitute bill #) be re-referred to the Committee on .)
- With a favorable report as to House committee substitute bill (#), which changes the title, unfavorable as to Senate committee substitute bill.
- With an unfavorable report.
- With recommendation that the House concur.
- With recommendation that the House do not concur.
- With recommendation that the House do not concur; request conferees.
- With recommendation that the House concur; committee believes bill to be material.
- With an unfavorable report, with a Minority Report attached.
- Without prejudice.
- With an indefinite postponement report.
- With an indefinite postponement report, with a Minority Report attached.
- With recommendation that it be adopted. (HOUSE RESOLUTION ONLY)

2/24/99

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1999

H

1

HOUSE BILL 919

Short Title: Taxpayer Protection Act.

(Public)

Sponsors: Representatives Starnes; Cansler, Davis, Gillespie, Grady, Morris, and Sexton.

Referred to: Rules, Calendar and Operations of the House.

April 5, 1999

1 A BILL TO BE ENTITLED
2 AN ACT TO PROVIDE GOVERNMENTAL ACCOUNTABILITY AND
3 PROTECTION TO THE TAXPAYERS BY LIMITING INCREASES IN THE
4 GENERAL FUND BUDGET, REFORMING THE BUDGET PROCESS,
5 ESTABLISHING AN EMERGENCY RESERVE TRUST FUND, AND
6 PROHIBITING UNFUNDED STATE MANDATES.
7 The General Assembly of North Carolina enacts:
8 Section 1. Article 1 of Chapter 143 of the General Statutes is amended
9 by adding the following new sections:
10 "§ 143-2.1. Definitions and determination of the General Fund expenditure limit.
11 (a) Definitions. -- The following definitions apply in this section and in G.S. 143-
12 2.3, 143-2.4, 143-15.3A, and 143-15.3B:
13 (1) Credit balance. -- That part of the credit balance, as determined on
14 a cash basis, not already reserved to the Emergency Reserve Trust
15 Fund, the Repairs and Renovations Reserve Account, or the Clean
16 Water Management Trust Fund, excluding excess revenue that is
17 over the General Fund expenditure limit.
18 (2) Fiscal growth factor. -- The average of the sum of inflation and
19 population change for each of the preceding three calendar years.
20 If either inflation or the population change for the preceding three
21 calendar years is negative, then that change shall be counted as
22 zero.

1 (3) Inflation. -- The percentage change in the consumer price index for
2 the United States for each calendar year as published by the
3 Federal Bureau of Labor Statistics.

4 (4) Population change. -- The percentage change in State population
5 for each calendar year as reported by the Office of State Planning.

6 (b) General Fund Expenditure Limit. -- The General Fund expenditure limit for
7 each fiscal year shall be the previous fiscal year's General Fund expenditure limit
8 increased by a percentage rate that equals the fiscal growth factor.

9 (c) Base Fiscal Year for General Fund Expenditure Limit. -- The total authorized
10 General Fund budget for the fiscal year beginning July 1, 1999, plus the fiscal growth
11 factor shall be used to determine the General Fund expenditure limit for the fiscal
12 year beginning July 1, 2000, which will then be used to determine the General Fund
13 expenditure limit for succeeding fiscal years.

14 (d) Decreases in General Fund Expenditure Limit. -- If, on or after December 31,
15 1999, the cost of any State program or function is shifted from the General Fund to
16 another source of funding, including, but not limited to, counties or other units of
17 local government, or if moneys are transferred from the General Fund to another
18 fund or account, the General Fund expenditure limit shall be reduced by a like
19 amount.

20 (e) Increases in General Fund Expenditure Limit. -- To the extent that any
21 percent increase in appropriations for a fiscal year resulting from compliance with an
22 existing or new mandate imposed by any court or by federal law exceeds the fiscal
23 growth factor, the General Fund expenditure limit for that fiscal year shall be
24 increased by the dollar amount represented by the excess percentage. For all
25 subsequent fiscal years, the General Fund expenditure limit shall then be increased to
26 reflect that dollar adjustment.

27 (f) Fiscal Reports. -- On or before March 15 of each year, the Fiscal Research
28 Division and the Office of State Budget and Management shall issue a determination
29 of the General Fund expenditure limit for the fiscal year beginning July 1 of that year
30 and a projection of the General Fund expenditure limit for the next fiscal year. If the
31 Fiscal Research Division and the Office of State Budget and Management do not
32 agree on the General Fund expenditure limit, the lowest determination and
33 projection shall be used.

34 **"§ 143-2.2. Increase in General Fund expenditure limited.**

35 (a) Governor Bound by General Fund Expenditure Limit. -- In preparing the
36 budget for a fiscal year, the Governor shall not propose expenditures from the
37 General Fund for the ensuing fiscal period in excess of the projected General Fund
38 expenditure limit established under G.S. 143-2.1.

39 (b) General Assembly Bound by General Fund Expenditure Limit. -- In enacting
40 the budget for the fiscal year, the General Assembly shall not make appropriations
41 from the General Fund in excess of the General Fund expenditure limit established
42 under G.S. 143-2.1.

43 (c) No State Moneys to Be Paid in Excess of General Fund Expenditure Limit. --
44 No money shall be drawn from the State treasury if the withdrawal will result in a

1 State expenditure for any fiscal year in excess of the General Fund expenditure limit
2 established under G.S. 143-2.1. The Governor, the State Treasurer, and the State
3 Controller shall not issue or redeem any draft, check, warrant, or voucher that will
4 result in a State expenditure for any fiscal year in excess of the General Fund
5 expenditure limit established under G.S. 143-2.1.

6 (d) Revenue in Excess of General Fund Expenditure Limit Credited to
7 Emergency Reserve Trust Fund. -- All General Fund revenue collected in excess of
8 the General Fund expenditure limit shall be credited to the Emergency Reserve Trust
9 Fund at the end of each fiscal year.

10 **"§ 143-2.3. Use of General Fund credit balance.**

11 The State Controller shall reserve one-fourth of any credit balance remaining in
12 the General Fund at the end of each fiscal year to the Emergency Reserve Trust
13 Fund. The State Controller shall reserve three percent (3%) of the replacement
14 value of all State buildings supported from the General Fund at the end of each fiscal
15 year to the Repairs and Renovations Reserve Account as provided in G.S. 143-15.3A.
16 The State Controller shall reserve six and one-half percent (6.5%) of any credit
17 balance remaining in the General Fund at the end of each fiscal year or thirty million
18 dollars (\$30,000,000), whichever is greater, to the Clean Water Management Trust
19 Fund as provided by G.S. 143-15.3B. The General Assembly may appropriate that
20 part of the anticipated General Fund credit balance not expected to be reserved to
21 the Emergency Reserve Trust Fund, reserved to the Repairs and Renovations Reserve
22 Account, or reserved to the Clean Water Management Trust Fund only for capital
23 improvements or other nonrecurring expenditures within the General Fund
24 expenditure limit.

25 **"§ 143-2.4. Emergency Reserve Trust Fund.**

26 (a) Emergency Reserve Trust Fund Established. -- There is established in the
27 Office of the State Treasurer a noninterest-bearing fund known as the Emergency
28 Reserve Trust Fund. The Emergency Reserve Trust Fund shall include the funds
29 reserved by the State Controller in accordance with G.S. 143-2.3. The Emergency
30 Reserve Trust Fund shall also include revenue in excess of the General Fund
31 expenditure limit credited in accordance with G.S. 143-2.2.

32 (b) Transfers From Emergency Reserve Trust Fund Permissible to Pay
33 Appropriations When Budgeted Funds Are Insufficient. -- If the Director of the
34 Budget determines that: (i) pursuant to the provisions of G.S. 143-25, the aggregate
35 revenues collected and available during a fiscal year are not sufficient to pay all of
36 the appropriations for that fiscal year in full; or (ii) pursuant to the provisions of
37 Article III, Section 5(3) of the Constitution of North Carolina, receipts during a fiscal
38 year when added to the surplus remaining in the State treasury at the beginning of
39 the fiscal year will not be sufficient to meet budgeted expenditures, the Director may,
40 in the Director's discretion, transfer funds from the Emergency Reserve Trust Fund
41 to pay the appropriations for the fiscal year to the extent funds are available. If the
42 Director of the Budget decides not to transfer the funds from the Emergency Reserve
43 Trust Fund as provided in this section, the Director shall proceed as provided in G.S.

1 143-25 or Article III, Section 5(3) of the Constitution of North Carolina to administer
2 the budget so as to prevent any overdraft or deficit.

3 (c) Two-Thirds Vote Required to Appropriate Funds From the Emergency
4 Reserve Trust Fund. -- The General Assembly may make appropriations out of the
5 Emergency Reserve Trust Fund only by the affirmative vote of two-thirds of the
6 members of each house.

7 (d) Excess Funds to Be Returned to Taxpayers. -- If the total of funds in the
8 Emergency Reserve Trust Fund at the end of the fiscal year exceeds an amount equal
9 to five percent (5%) of the total General Fund appropriation for the prior fiscal year,
10 the excess over five percent (5%) shall be reserved to provide tax relief to the
11 citizens of North Carolina.

12 "§ 143-2.5. Two-thirds vote of General Assembly required to exceed General Fund
13 expenditure limit.

14 The General Assembly may, by an affirmative vote of two-thirds of the members of
15 each house, make General Fund appropriations for nonrecurring expenses in excess
16 of the General Fund expenditure limit for a period not to exceed 12 months
17 beginning on the effective date of the appropriations.

18 "§ 143-2.6. Unfunded State mandates prohibited.

19 (a) General Laws. -- No county or unit of local government shall be bound by any
20 general law enacted after December 31, 1999, requiring the county or unit of local
21 government to spend funds unless (i) funds have been appropriated by the General
22 Assembly that have been estimated at the time of enactment to be sufficient to fund
23 the expenditure, or (ii) the expenditure is required to comply with a federal law
24 requirement or is required for eligibility for a federal entitlement, which federal
25 requirement specifically contemplates actions by counties or units of local
26 government for compliance.

27 (b) Local Acts. -- No county or unit of local government shall be bound by a local
28 act enacted after December 31, 1999, requiring the expenditure of funds unless the
29 local act has been approved by the county or unit of local government affected by the
30 act."

31 Section 2. G.S. 143-15.2 and G.S. 143-15.3 are repealed. The funds in
32 the Savings Reserve Account are transferred to the Emergency Reserve Trust Fund
33 established by G.S. 143-2.4 as enacted by Section 1 of this act.

34 Section 3. This act is effective when it becomes law.

**1999 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES**

The following report(s) from standing committee(s) is/are presented:

By Representative(s) **Culpepper** for the Committee on **RULES, CALENDAR AND OPERATIONS OF THE HOUSE..**

Committee Substitute for

H.B. 919 A BILL TO BE ENTITLED AN ACT TO PROVIDE GOVERNMENTAL ACCOUNTABILITY AND PROTECTION TO THE TAXPAYERS BY LIMITING INCREASES IN THE GENERAL FUND BUDGET, REFORMING THE BUDGET PROCESS, ESTABLISHING AN EMERGENCY RESERVE TRUST FUND, AND PROHIBITING UNFUNDED STATE MANDATES.

With a favorable report.

With a favorable report and recommendation that the bill be re-referred to the Committee on Appropriations Finance .

With a favorable report, as amended.

With a favorable report, as amended, and recommendation that the bill be re-referred to the Committee on Appropriations Finance .

With a favorable report as to committee substitute bill (#), which changes the title, unfavorable as to (original bill) (Committee Substitute Bill #), (and recommendation that the committee substitute bill #) be re-referred to the Committee on .)

With a favorable report as to House committee substitute bill (#), which changes the title, unfavorable as to Senate committee substitute bill.

With an unfavorable report.

With recommendation that the House concur.

With recommendation that the House do not concur.

With recommendation that the House do not concur; request conferees.

With recommendation that the House concur; committee believes bill to be material.

With an unfavorable report, with a Minority Report attached.

Without prejudice.

With an indefinite postponement report.

With an indefinite postponement report, with a Minority Report attached.

With recommendation that it be adopted. (HOUSE RESOLUTION ONLY)

2/24/99

VISITOR REGISTRATION SHEET

RULES

4-22-99

VISITORS: PLEASE SIGN BELOW AND RETURN TO COMMITTEE CLERK

NAME

FIRM OR AGENCY

1. LISA REYES
2. Jan Ruppel
3. PB
4. Amgr Jo Sam
5. Roger Bon
6. Andy Ellen
7. Ed Regan
8. Evelyn Hawthorne
9. Laura Hartwell
10. _____
11. _____
12. _____
13. _____
14. _____
15. _____
16. _____
17. _____
18. _____
19. _____
20. _____
21. _____

1. THE INSIDER
2. NCSOS
3. NLFO
4. NC Medical Society
5. Bone + Assoc.
6. NCRMA
7. N.C.A.C.C
8. UNC-CH
9. NC Bar Association
10. _____
11. _____
12. _____
13. _____
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21. _____

AGENDA

**HOUSE COMMITTEE ON RULES, CALENDAR AND
OPERATIONS OF THE HOUSE**

**April 27, 1999
Room 421 LOB
1:00 PM**

OPENING REMARKS

Representative Culpepper, Chairman

CONSIDERATION OF BILLS

ACTION TAKEN ON BILLS

ADJOURNMENT

MINUTES OF THE COMMITTEE ON RULES, CALENDAR AND OPERATIONS OF THE
HOUSE

April 27, 1999

The Committee on Rules, Calendar and Operations of the House met on April 27, 1999 at 1:00 p.m. in Room 421 of the Legislative Office Building. The following members were present: Representatives Culpepper, Chairman; Alexander, Allen, Boyd-McIntyre, Crawford, Gibson, Gulley, Hill, Tolson Wood Wright and Yongue.

The following bills were considered:

HOUSE BILL 1002-AN ACT TO AMEND THE LAWS AFFECTING THE ENVIRONMENT AND NATURAL RESOURCES. Representative Warwick introduced the bill and offered a proposed committee substitute which changes the title to AN ACT TO ASSIST BUSINESS, INDUSTRY, AGRICULTURE, AND LOCAL GOVERNMENT IN ATTAINING CLEANER AIR, WATER, AND LAND RESOURCES BY CREATING AND FUNDING THE ENVIRONMENTAL IMPACTS STUDY COMMISSION, WHICH SHALL IDENTIFY AND PRIORITIZE SOURCES OF ENVIRONMENTAL POLLUTION AND IDENTIFY TECHNOLOGIES TO REDUCE THE ADVERSE ENVIRONMENTAL IMPACTS OF ACTIVITIES OF THESE SECTORS. Representative Gibson moved that the proposed committee substitute be adopted for the purpose of discussion. Without objection, it was so ordered. Representative Warwick was recognized to explain the bill, followed by a motion by Representative Yongue to report the proposed committee substitute without prejudice, unfavorable as to the original bill, and be re-referred to the Committee on Environment and Natural Resources. The motion carried.

HOUSE BILL 938 -AN ACT TO PROVIDE THAT ONLY THE STATE MAY BRING CERTAIN CIVIL ACTIONS AGAINST FIREARMS OR AMMUNITION MARKETERS, MANUFACTURERS, DISTRIBUTORS, DEALERS, SELLER, OR TRADE ASSOCIATIONS introduced by Representatives Moore and Sexton, who explained the bill. The chairman clarified the language in the bill stating that it is not intended to affect the right of individuals to bring lawsuits. Representative Yongue sent forth an amendment and Representative Crawford moved for adoption of the amendment. The motion carried. Representative Crawford further moved that the amendment be incorporated into a committee substitute which would change the title to AN ACT TO PROVIDE THAT THE GENERAL ASSEMBLY DECLARE THAT THE LAWFUL DESIGN, MARKETING, MANUFACTURE, DISTRIBUTION, SALE OR TRANSFER OF FIREARMS OR AMMUNITION TO THE PUBLIC IS NOT AN UNREASONABLY DANGEROUS ACTIVITY AND DOES NOT CONSTITUTE A NUISANCE PER SE; AND TO PROVIDE THAT THE AUTHORITY TO BRING SUIT AGAINST ANY FIREARM OR AMMUNITION MARKETER, MANUFACTURER, DISTRIBUTOR, DEALER, SELLER, OR TRADE ASSOCIATION BY OR ON BEHALF OF ANY GOVERNMENTAL UNIT FOR REMEDIES RESULTING FROM OR RELATED TO THE LAWFUL DESIGN, MARKETING, MANUFACTURE, DISTRIBUTION, SALE OR TRANSFER OF FIREARMS OR AMMUNITION TO THE PUBLIC IS RESERVED EXCLUSIVELY TO THE STATE; AND TO PROVIDE THAT ANY SUCH ACTION SHALL

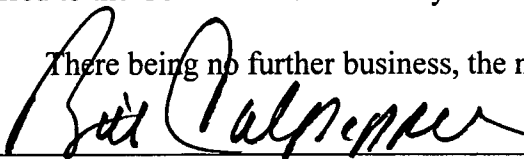
BE BROUGHT BY THE ATTORNEY GENERAL ON BEHALF OF THE STATE, and that the committee substitute be given a favorable report, unfavorable as to the original bill. The motion carried.


HOUSE BILL 694-AN ACT RELATING TO THE TOWN OF AYDEN introduced by Representative McLawhorn who offered a proposed committee substitute. Representative Tolson moved that the proposed committee substitute be adopted for the purpose of discussion. Without objection, it was so ordered. The proposed committee substitute changes the title to AN ACT ALLOWING THE TOWN OF AYDEN WITH THE APPROVAL OF THE PITT COUNTY BOARD OF COMMISSIONERS TO EXERCISE EXTRATERRITORIAL JURISDICTION OVER AN AREA EXTENDING TWO MILES FROM THE TOWN'S CORPORATE LIMITS. Representative Crawford moved for a favorable report as to the proposed committee substitute, unfavorable as to the original bill. The motion carried.

HOUSE BILL 1188 – AN ACT TO REQUIRE MEDICAL INSTITUTIONS AND UNIVERSITY HOSPITALS THAT RECEIVE STATE FUNDS TO INCLUDE WOMEN AS SUBJECTS IN MEDICAL RESEARCH PROJECTS, AS APPROPRIATE. Representative Boyd-McIntyre, bill sponsor, was recognized to explain the bill. Representative Wright moved that the bill be given a favorable report, which motion carried.

HOUSE BILL 411-AN ACT RELATING TO THE GOVERNANCE OF ROCKINGHAM COUNTY which was introduced by Representative Wright. A proposed committee substituted was offered by Representative Wright. Representative Gulley moved for adoption of the proposed committee substitute which changes the title to AN ACT TO PROHIBIT THE SALE OF CERTAIN PACKAGES OF CIGARETTES for the purpose of discussion. Without objection, it was so ordered. Representative Cole, sponsor of the bill, spoke on the bill. At the request of Representative Hill, further explanation was presented by Linwood Jones, staff attorney. Representative Wood made a motion that the proposed committee substitute be reported without prejudice, unfavorable as to the original bill, and be re-referred to the Committee on Judiciary III. The motion carried.

There being no further business, the meeting adjourned at 1:45 p.m.


Representative Bill Culpepper, Chairman


Dorothy C. Crocker, Committee Assistant

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1999

H

D

HOUSE BILL 1002
Proposed Committee Substitute H1002-PCS6191-LD

Short Title: Environment Impacts Study/Funds.

(Public)

Sponsors:

Referred to:

April 13, 1999

1 A BILL TO BE ENTITLED
2 AN ACT TO ASSIST BUSINESS, INDUSTRY, AGRICULTURE, AND LOCAL
3 GOVERNMENT IN ATTAINING CLEANER AIR, WATER, AND LAND
4 RESOURCES BY CREATING AND FUNDING THE ENVIRONMENTAL
5 IMPACTS STUDY COMMISSION, WHICH SHALL IDENTIFY AND
6 PRIORITIZE SOURCES OF ENVIRONMENTAL POLLUTION AND
7 IDENTIFY TECHNOLOGIES AND METHODOLOGIES TO REDUCE THE
8 ADVERSE ENVIRONMENTAL IMPACTS OF ACTIVITIES OF THESE
9 SECTORS.
10 The General Assembly of North Carolina enacts:
11 Section 1. Chapter 120 of the General Statutes is amended by adding a
12 new Article to read:
13 "ARTICLE 26.
14 "Environmental Impacts Study Commission.
15 "§ 120-230. Environmental Impacts Study Commission established; membership;
16 terms.
17 (a) The Environmental Impacts Study Commission is established. The
18 Environmental Impacts Study Commission shall consist of 24 members, to be
19 appointed as follows:
20 (1) Seven members to be appointed by the Speaker of the House of
21 Representatives, all of whom shall be members of the House of
22 Representatives and at least three of whom shall be members of
23 the minority party of the House of Representatives.

- 1 (2) Seven members to be appointed by the President Pro Tempore of
2 the Senate, all of whom shall be members of the Senate and at
3 least three of whom shall be members of the minority party of the
4 Senate.
- 5 (3) Seven members to be appointed by the Governor, one of whom
6 shall be a representative of business, one of whom shall be a
7 representative of industry, one of whom shall be a representative of
8 agriculture, one of whom shall be a representative of local
9 government, one of whom shall be a representative of the
10 organized environmental community, and two of whom shall be
11 academics of different disciplines whose fields of expertise are
12 related to the subject of this study from two different universities in
13 the State.
- 14 (4) One member to be appointed by the Secretary of Environment,
15 Health, and Natural Resources. The Secretary of Environment,
16 Health, and Natural Resources may appoint himself or herself to
17 serve as a member.
- 18 (5) One member to be appointed by the Secretary of Commerce. The
19 Secretary of Commerce may appoint himself or herself to serve as
20 a member.
- 21 (6) One member to be appointed by the Commissioner of Agriculture.
22 The Commissioner of Agriculture may appoint himself or herself
23 to serve as a member.
- 24 (b) The Speaker of the House of Representatives shall select one member to serve
25 as cochair. The President Pro Tempore of the Senate shall select one member to
26 serve as cochair. A majority of the Commission shall constitute a quorum for the
27 transaction of business.
- 28 (c) Members shall serve two-year staggered terms. Commission members who are
29 also General Assembly members may complete a term of service on the Commission
30 even if they do not seek reelection or are not reelected to the General Assembly, but
31 resignation or removal from service in the General Assembly shall result in removal
32 from the Commission. A member continues to serve until a successor is appointed.
33 A vacancy shall be filled within 30 days and shall be filled by the same appointing
34 officer who made the original appointment.
- 35 **§ 120-231. Duties of the Commission.**
- 36 (a) Systems Approach to Sustainable Growth. -- The Environmental Impacts
37 Study Commission shall identify and prioritize significant sources of environmental
38 pollution in the State as a whole as well as on a regional basis. This Commission
39 shall take a systems approach to its study. The Commission shall consider the
40 combined and the cumulative impacts of all activities and land uses over time. The
41 Commission shall consider all aspects of the environment: air quality, surface water
42 quality, groundwater quality, and, with respect to the land resources of the State,
43 appropriate land use. The Commission shall identify initiatives to achieve sustainable
44 growth in North Carolina. The Commission shall consider the environmental

1 impacts of rural activities and land use and the environmental impacts of urban
2 activities and land use. The Commission shall compare the current impacts with
3 those for the past 10 years and with those impacts projected over the next 10 years.

4 (b) Specific Impacts. -- The Commission shall consider specific events, activities,
5 and land uses that have the potential to adversely impact the environment, to include
6 at least all of the following activities, land uses, or events:

7 (1) Waste systems and wastewater treatment facilities for cities, towns,
8 and areas of concentrated housing development.

9 (2) Stormwater systems.

10 (3) Animal waste management systems.

11 (4) Other agricultural activities and land use.

12 (5) Industrial activities and land use.

13 (6) Building construction.

14 (7) Resort and recreational activities and areas.

15 (8) Recurring natural disasters, such as hurricanes and floods.

16 (9) Activities at and land use for major office centers, major shopping
17 malls, sports events, entertainment events, and any other events
18 that bring together large numbers of people in one day.

19 (10) Activities at and land use for military bases.

20 (11) Activities involving and land use for automobile transportation,
21 freight trucking, rail transportation, and air transportation.

22 (12) Events, activities, and land uses that occur outside North Carolina
23 but adversely impact this State's air, water, or other natural
24 resources.

25 (c) Technology and Methodology Identification. -- The Commission shall identify
26 current technologies and methodologies to control or reduce air, water, and land
27 resources pollution or degradation. The Commission shall obtain information
28 regarding those technologies and methodologies that were in use during the past 10
29 years and those anticipated to be viable alternatives within the next 10 years. The
30 Commission shall review applicable State and federal legislation.

31 (d) Report Requirement. -- The Commission shall submit final reports of its
32 findings, recommendations, and any legislative proposals to the General Assembly by
33 filing its reports with the President Pro Tempore of the Senate and the Speaker of the
34 House of Representatives no later than May 1 and December 10 of each even-
35 numbered year. The Commission may submit interim reports at the will of the
36 cochairs.

37 (e) Proposed Rule Changes. -- If at any time during its deliberations, the
38 Commission identifies a recommendation that can be implemented through the
39 Administrative Procedure Act, Chapter 150B of the General Statutes, the
40 Commission shall forward that recommendation with the proposed rule change to the
41 responsible State agency for immediate consideration.

42 "§ 120-232. Assistance from the universities.

43 The Commission shall seek assistance from the universities located in the State for
44 expertise in subjects related to the study.

1 **"§ 120-233. Staffing.**

2 The Commission may contract for consultant services as provided by G.S. 120-
3 32.02. Upon approval of the Legislative Services Commission, the Legislative
4 Administrative Officer shall assign professional and clerical staff to assist in the work
5 of the Commission. Clerical staff shall be furnished to the Commission through the
6 offices of House and Senate Supervisors of Clerks. The Commission may meet in the
7 Legislative Building or the Legislative Office Building upon the approval of the
8 Legislative Services Commission. The Commission, while in the discharge of official
9 duties, may exercise all the powers provided under the provisions of G.S. 120-19
10 through G.S. 120-19.4.

11 **"§ 120-234. Compensation and expenses of members.**

12 Members of the Commission shall receive per diem, subsistence, and travel
13 allowances as follows:

- 14 (1) Commission members who are also General Assembly members, at
15 the rate established in G.S. 120-3.1.
16 (2) Commission members who are officials or employees of the State
17 or local government agencies, at the rate established in G.S. 138-6.
18 (3) All other Commission members, at the rate established in G.S.
19 138-5.

20 **"§ 120-235. Funding.**

21 From funds available to the General Assembly, the Legislative Services
22 Commission shall allocate monies to fund the work of the Environmental Impacts
23 Study Commission."

24 Section 2. Initial appointments to the Environmental Impacts Study
25 Commission, as created in G.S. 120-230, as enacted in Section 1 of this act, shall be
26 made within 60 days of the effective date of Section 1 of this act. Notwithstanding
27 the provisions of G.S. 120-230, as enacted by Section 1 of this act, and in order to
28 establish staggered terms, the terms of the following initial appointments shall
29 continue until January 1, 2001: two members appointed by the Speaker of the House
30 of Representatives, two members appointed by the President Pro Tempore of the
31 Senate, the representative of business appointed by the Governor, the representative
32 of agriculture appointed by the Governor, one academic appointed by the Governor,
33 and the member appointed by the Secretary of Commerce. Notwithstanding the
34 provisions of G.S. 120-230, as enacted by Section 1 of this act, and in order to
35 establish staggered terms, the terms of the following initial appointments shall
36 continue until January 1, 2003: two members appointed by the Speaker of the House
37 of Representatives, two members appointed by the President Pro Tempore of the
38 Senate, the representative of industry appointed by the Governor, the representative
39 of the organized environmental community appointed by the Governor, one
40 academic appointed by the Governor, and the member appointed by the
41 Commissioner of Agriculture. Notwithstanding the provisions of G.S. 120-230, as
42 enacted by Section 1 of this act, and in order to establish staggered terms, the terms
43 of the following initial appointments shall serve until January 1, 2005: three members
44 appointed by the Speaker of the House of Representatives, three members appointed

1 by the President Pro Tempore of the Senate, the representative of local government
2 appointed by the Governor, and the member appointed by the Secretary of
3 Environment, Health, and Natural Resources.

4 Section 3. There is appropriated from the General Fund to the General
5 Assembly the sum of two hundred fifty thousand dollars (\$250,000) for the 1999-2000
6 fiscal year and the sum of two hundred fifty thousand dollars (\$250,000) for the 2000-
7 2001 fiscal year for the expenses of the Environmental Impacts Study Commission,
8 created in Section 1 of this act, for the work of the Commission pursuant to this act.

9 Section 4. Section 3 of this act becomes effective July 1, 1999. Sections
10 1 and 2 of this act are effective when they become law.

**1999 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES**

The following report(s) from standing committee(s) is/are presented:

By Representative(s) **Culpepper** for the Committee on **Rules, Calendar and Operations of the House.**

- Committee Substitute for
H.B. 1002 A BILL TO BE ENTITLED AN ACT TO AMEND THE LAWS AFFECTING
THE ENVIRONMENT AND NATURAL RESOURCES.
- With a favorable report.
- With a favorable report and recommendation that the bill be re-referred to the Committee on
Appropriations Finance .
- With a favorable report, as amended.
- With a favorable report, as amended, and recommendation that the bill be re-referred to the
Committee on Appropriations Finance .
- Without prejudice as to committee substitute bill, which changes the title, unfavorable as
to original bill, and recommendation that the committee substitute bill be re-referred to the
Committee on Environment and Natural Resources.
- With a favorable report as to House committee substitute bill (#), which changes
the title, unfavorable as to Senate committee substitute bill.
- With an unfavorable report.
- With recommendation that the House concur.
- With recommendation that the House do not concur.
- With recommendation that the House do not concur; request conferees.
- With recommendation that the House concur; committee believes bill to be material.
- With an unfavorable report, with a Minority Report attached.
- Without prejudice.
- With an indefinite postponement report.
- With an indefinite postponement report, with a Minority Report attached.
- With recommendation that it be adopted. (HOUSE RESOLUTION ONLY)

2/24/99

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1999

H

1

HOUSE BILL 938

Short Title: Rt. To Keep & Bear Arms Protection Act.

(Public)

Sponsors: Representatives Sexton, Moore (Primary Sponsors); Allen, Allred, Baker, Barbee, Barefoot, Berry, Bonner, Bowie, Bridgeman, Brown, Brubaker, Buchanan, Cansler, Capps, Carpenter, Church, Clary, Cole, Cox, Crawford, Creech, Culp, Daughtry, Davis, Decker, Dedmon, Dockham, Earle, Eddins, Edwards, Ellis, Esposito, Fitch, Fox, Gardner, Gibson, Gillespie, Goodwin, Grady, Gray, Gulley, Hiatt, Hill, Holmes, Horn, Howard, Hunter, Hurley, Justus, Kiser, McAllister, McComas, McCombs, McCrary, McLawhorn, McMahan, Melton, Mitchell, Morris, Mosley, Neely, Nye, Owens, Preston, Rayfield, Redwine, Russell, Saunders, Setzer, Sherrill, Smith, Starnes, Sutton, Tallent, Teague, Thomas, Thompson, Tolson, Tucker, Wainwright, Walend, Warner, Warren, Warwick, C. Wilson, G. Wilson, Womble, Wright, and Yongue.

Referred to: Rules, Calendar and Operations of the House.

April 6, 1999

1 A BILL TO BE ENTITLED
2 AN ACT TO PROVIDE THAT ONLY THE STATE MAY BRING CERTAIN
3 CIVIL ACTIONS AGAINST FIREARMS OR AMMUNITION MARKETERS,
4 MANUFACTURERS, DISTRIBUTORS, DEALERS, SELLERS, OR TRADE
5 ASSOCIATIONS.
6 The General Assembly of North Carolina enacts:
7 Section 1. G.S. 14-409.40 reads as rewritten:
8 "§ 14-409.40. Statewide uniformity of local regulation.
9 (a) It is declared by the General Assembly that the regulation of firearms is
10 properly an issue of general, statewide concern, and that the entire field of regulation
11 of firearms is preempted from regulation by local governments except as provided by
12 this section. The General Assembly further declares that the lawful design,
13 marketing, manufacture, distribution, sale or transfer of firearms or ammunition to
14 the public is not an unreasonably dangerous activity and does not constitute a

1 nuisance per se and furthermore, that it is the unlawful use of firearms and
2 ammunition, rather than their lawful design, marketing, manufacture, distribution,
3 sale or transfer that is the proximate cause of injuries arising from their unlawful use.

4 (b) Unless otherwise permitted by statute, no county or municipality, by
5 ordinance, resolution, or other enactment, shall regulate in any manner the
6 possession, ownership, storage, transfer, sale, purchase, licensing, or registration of
7 firearms, firearms ammunition, components of firearms, dealers in firearms, or dealers
8 in handgun components or parts.

9 (c) Notwithstanding subsection (b) of this section, a county or municipality, by
10 zoning or other ordinance, may regulate or prohibit the sale of firearms at a location
11 only if there is a lawful, general, similar regulation or prohibition of commercial
12 activities at that location. Nothing in this subsection shall restrict the right of a county
13 or municipality to adopt a general zoning plan that prohibits any commercial activity
14 within a fixed distance of a school or other educational institution except with a
15 special use permit issued for a commercial activity found not to pose a danger to the
16 health, safety, or general welfare of persons attending the school or educational
17 institution within the fixed distance.

18 (d) No county or municipality, by zoning or other ordinance, shall regulate in any
19 manner firearms shows with regulations more stringent than those applying to shows
20 of other types of items.

21 (e) A county or municipality may regulate the transport, carrying, or possession of
22 firearms by employees of the local unit of government in the course of their
23 employment with that local unit of government.

24 (f) Nothing contained in this section prohibits municipalities or counties from
25 application of their authority under G.S. 153A-129, 160A-189, 14-269, 14-269.2, 14-
26 269.3, 14-269.4, 14-277.2, 14-415.11, 14-415.23, including prohibiting the possession of
27 firearms in public-owned buildings, on the grounds or parking areas of those
28 buildings, or in public parks or recreation areas, except nothing in this subsection
29 shall prohibit a person from storing a firearm within a motor vehicle while the
30 vehicle is on these grounds or areas. Nothing contained in this section prohibits
31 municipalities or counties from exercising powers provided by law in declared states
32 of emergency under Article 36A of this Chapter.

33 (g) The authority to bring suit and the right to recover against any firearms or
34 ammunition marketer, manufacturer, distributor, dealer, seller, or trade association by
35 or on behalf of any governmental unit, created by or pursuant to an act of the
36 General Assembly or the Constitution, or any department, agency, or authority
37 thereof, for damages, abatement, injunctive relief or any other remedy resulting from
38 or relating to the lawful design, marketing, manufacture, distribution, sale, or transfer
39 of firearms or ammunition to the public is reserved exclusively to the State.
40 Furthermore, no action against any firearms or ammunition marketer, manufacturer,
41 distributor, dealer, seller, trade association representing or promoting any such
42 marketer, manufacturer, distributor, dealer, or seller shall be brought by the Attorney
43 General without the authorization of the General Assembly by adoption of a
44 concurrent resolution. This section shall not prohibit a political subdivision or local

1 governmental unit from bringing an action against a firearms or ammunition
2 marketer, manufacturer, distributor, dealer, seller, or trade association for breach of
3 contract or warranty for defect of materials or workmanship as to firearms or
4 ammunition purchased by the political subdivision or local governmental unit."

5 Section 2. The provisions of this act are severable. If any provision of
6 this act is held invalid by a court of competent jurisdiction, the invalidity does not
7 affect other provisions of the act that can be given effect without the invalid
8 provision.

9 Section 3. This act is effective when it becomes law and applies to any
10 action pending or filed on or after that date.



Date _____, 1999

Comm. Sub. []
Amends Title [YES]
First Edition

Representative

1 moves to amend the bill on page 1, lines 2-5 by rewriting those
2 lines to read:

3
4 "AN ACT TO PROVIDE THAT THE GENERAL ASSEMBLY DECLARE THAT THE LAWFUL
5 DESIGN, MARKETING, MANUFACTURE, DISTRIBUTION, SALE OR TRANSFER OF
6 FIREARMS OR AMMUNITION TO THE PUBLIC IS NOT AN UNREASONABLY
7 DANGEROUS ACTIVITY AND DOES NOT CONSTITUTE A NUISANCE PER SE; AND TO
8 PROVIDE THAT THE AUTHORITY TO BRING SUIT AGAINST ANY FIREARM OR
9 AMMUNITION MARKETER, MANUFACTURER, DISTRIBUTOR, DEALER, SELLER, OR
10 TRADE ASSOCIATION BY OR ON BEHALF OF ANY GOVERNMENTAL UNIT FOR
11 REMEDIES RESULTING FROM OR RELATED TO THE LAWFUL DESIGN, MARKETING,
12 MANUFACTURE, DISTRIBUTION, SALE OR TRANSFER OF FIREARMS OR
13 AMMUNIITION TO THE PUBLIC IS RESERVED EXCLUSIVELY TO THE STATE; AND
14 TO PROVIDE THAT ANY SUCH ACTION SHALL BE BROUGHT BY THE ATTORNEY
15 GENERAL ON BEHALF OF THE STATE.";

16
17 and on page 2, line 3 by adding at the end of that line the
18 following:

19
20 "This subsection applies only to causes of action brought under
21 subsection (g) of this section."

22
23 and on page 2, lines 40-44 by rewriting those lines to read:

24
25 "Any action brought by the State pursuant to this section shall be
26 brought by the Attorney General on behalf of the State. This
27 section shall not prohibit a political subdivision or local".

28 *and rewrite the short title to read: "Firearm Regulation Amendments"*
SIGNED _____
Amendment Sponsor

SIGNED _____
Committee Chair if Senate Committee Amendment

ADOPTED _____ FAILED _____ TABLED _____

**1999 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES**

The following report(s) from standing committee(s) is/are presented:

By Representative(s) **Culpepper** for the Committee on **Rules, Calendar and Operations of the House.**

Committee Substitute for
H.B. 938 A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT ONLY THE STATE
MAY BRING CERTAIN CIVIL ACTIONS AGAINST FIREARMS OR AMMUNITION
MARKETERS, MANUFACTURERS, DISTRIBUTORS, DEALERS, SELLERS, OR
TRADE ASSOCIATIONS.

- With a favorable report.
- With a favorable report and recommendation that the bill be re-referred to the Committee on
Appropriations Finance .
- With a favorable report, as amended.
- With a favorable report, as amended, and recommendation that the bill be re-referred to the
Committee on Appropriations Finance .
- With a favorable report as to committee substitute bill which changes the title,
unfavorable as to original bill.
- With a favorable report as to House committee substitute bill (#), which changes
the title, unfavorable as to Senate committee substitute bill.
- With an unfavorable report.
- With recommendation that the House concur.
- With recommendation that the House do not concur.
- With recommendation that the House do not concur; request conferees.
- With recommendation that the House concur; committee believes bill to be material.
- With an unfavorable report, with a Minority Report attached.
- Without prejudice.
- With an indefinite postponement report.
- With an indefinite postponement report, with a Minority Report attached.
- With recommendation that it be adopted. (HOUSE RESOLUTION ONLY)

2/24/99

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 1999

H

1

HOUSE BILL 694

Short Title: Ayden Local Act-3.

(Local)

Sponsors: Representative McLawhorn.

Referred to: Rules, Calendar and Operations of the House.

March 30, 1999

- 1 A BILL TO BE ENTITLED
2 AN ACT RELATING TO THE TOWN OF AYDEN.
3 The General Assembly of North Carolina enacts:
4 Section 1. This act relates to the Town of Ayden.
5 Section 2. This act is effective when it becomes law.

**1999 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES**

The following report(s) from standing committee(s) is/are presented:

By Representative(s) **Culpepper** for the Committee on **Rules, Calendar and Operations of the House.**

Committee Substitute for
H.B. 694 A BILL TO BE ENTITLED AN ACT RELATING TO THE TOWN OF AYDEN.

- With a favorable report.
- With a favorable report and recommendation that the bill be re-referred to the Committee on Appropriations Finance .
- With a favorable report, as amended.
- With a favorable report, as amended, and recommendation that the bill be re-referred to the Committee on Appropriations Finance .
- With a favorable report as to committee substitute bill, which changes the title, unfavorable as to original bill.
- With a favorable report as to House committee substitute bill, which changes the title, unfavorable as to Senate committee substitute bill.
- With an unfavorable report.
- With recommendation that the House concur.
- With recommendation that the House do not concur.
- With recommendation that the House do not concur; request conferees.
- With recommendation that the House concur; committee believes bill to be material.
- With an unfavorable report, with a Minority Report attached.
- Without prejudice.
- With an indefinite postponement report.
- With an indefinite postponement report, with a Minority Report attached.
- With recommendation that it be adopted. (HOUSE RESOLUTION ONLY)

2/24/99

1 conducted. No State funds shall be allocated, encumbered, or expended for medical
2 research to which this act applies and that does not comply with the requirements of
3 this section.

4 Section 2. This act is effective when it becomes law.

**1999 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES**

The following report(s) from standing committee(s) is/are presented:

By Representative(s) **Culpepper** for the Committee on **Rules, Calendar and Operations of the House.**

Committee Substitute for

H.B. 1188 A BILL TO BE ENTITLED AN ACT TO REQUIRE MEDICAL INSTITUTIONS AND UNIVERSITY HOSPITALS THAT RECEIVE STATE FUNDS TO INCLUDE WOMEN AS SUBJECTS IN MEDICAL RESEARCH PROJECTS, AS APPROPRIATE.

With a favorable report.

With a favorable report and recommendation that the bill be re-referred to the Committee on Appropriations Finance .

With a favorable report, as amended.

With a favorable report, as amended, and recommendation that the bill be re-referred to the Committee on Appropriations Finance .

With a favorable report as to committee substitute bill (#), which changes the title, unfavorable as to (original bill) (Committee Substitute Bill #), (and recommendation that the committee substitute bill #) be re-referred to the Committee on .)

With a favorable report as to House committee substitute bill (#), which changes the title, unfavorable as to Senate committee substitute bill.

With an unfavorable report.

With recommendation that the House concur.

With recommendation that the House do not concur.

With recommendation that the House do not concur; request conferees.

With recommendation that the House concur; committee believes bill to be material.

With an unfavorable report, with a Minority Report attached.

Without prejudice.

With an indefinite postponement report.

With an indefinite postponement report, with a Minority Report attached.

With recommendation that it be adopted. (HOUSE RESOLUTION ONLY)

2/24/99

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1999

H

1

HOUSE BILL 411

Short Title: Rockingham County Local Act.

(Local)

Sponsors: Representative Cole.

Referred to: Rules, Calendar and Operations of the House.

March 11, 1999

- 1 A BILL TO BE ENTITLED
2 AN ACT RELATING TO THE GOVERNANCE OF ROCKINGHAM COUNTY.
3 The General Assembly of North Carolina enacts:
4 Section 1. This act applies to Rockingham County only.
5 Section 2. This act is effective when it becomes law.

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1999

H

D

HOUSE BILL 411
Proposed Committee Substitute H411-PCS4231-LH

Short Title: Prohibit Certain Cigarette Sales.

(Local)

Sponsors:

Referred to:

March 11, 1999

1 A BILL TO BE ENTITLED
2 AN ACT TO PROHIBIT THE SALE OF CERTAIN PACKAGES OF
3 CIGARETTES.

4 The General Assembly of North Carolina enacts:

5 Section 1. Article 52 of Chapter 14 of the General Statutes is amended
6 by adding a new section to read:

7 "§ 14-400.18. Prohibit the sale of certain packages of cigarettes; penalties.

8 (a) The following definitions apply in this section:

9 (1) Cigarette. -- As defined in G.S. 105-113.4(1a).

10 (2) Package. -- As defined in G.S. 105-113.4(7).

11 (b) It is unlawful to sell or hold for sale any package of cigarettes if any of the
12 following circumstances exist:

13 (1) The package differs in any respect with the requirements of the
14 Federal Cigarette Labeling and Advertising Act (15 U.S.C. § 1331,
15 et seq.), for the placement of labels, warnings, or any other
16 information upon a package of cigarettes that is to be sold within
17 the United States.

18 (2) The package is labeled 'For Export Only,' 'U.S. Tax Exempt,' 'For
19 Use Outside U.S.,' or similar wording indicating that the
20 manufacturer did not intend that the product be sold in the United
21 States.

- 1 (3) The package, or a package containing individually stamped
2 packages, was altered by adding or deleting the wording, labels, or
3 warnings described in subdivision (1) or (2) of this subsection.
4 (4) The package was imported into the United States after January 1,
5 2000, in violation of 26 U.S.C. § 5754.
6 (5) The package in any way violates federal trademark or copyright
7 laws.
8 (c) Any person who sells or holds for sale cigarette packages in violation of
9 subsection (b) of this section is guilty of a Class 1 misdemeanor.
10 (d) In addition to any other penalties provided by law:
11 (1) The Attorney General may seize and destroy or sell to the
12 manufacturer, only for export, any packages that do not comply
13 with subsection (b) of this section.
14 (2) The Secretary of Revenue may revoke any license pertaining to the
15 sale or distribution of cigarettes or other tobacco products,
16 including, but not limited to, any license issued pursuant to G.S.
17 105-113.4A, from any person who sells or holds for sale a cigarette
18 package in violation of subsection (b) of this section.
19 (e) A violation of subsection (b) of this section is an unfair trade practice as
20 prohibited by G.S. 75-1.1."
21 Section 2. If any provision of this act or its application to any person or
22 circumstance is held invalid, the remainder of the act or the application of the
23 provision to other persons or circumstances is not affected.
24 Section 3. This act becomes effective December 1, 1999, and applies to
25 offenses committed on or after that date.

**1999 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES**

The following report(s) from standing committee(s) is/are presented:

By Representative(s) **Culpepper** for the Committee on **Rules, Calendar and Operations of the House.**

Committee Substitute for
H.B. 411 A BILL TO BE ENTITLED AN ACT RELATING TO THE GOVERNANCE OF
ROCKINGHAM COUNTY.

- With a favorable report.
- With a favorable report and recommendation that the bill be re-referred to the Committee on Appropriations Finance .
- With a favorable report, as amended.
- With a favorable report, as amended, and recommendation that the bill be re-referred to the Committee on Appropriations Finance .
- Without prejudice as to committee substitute bill, which changes the title, unfavorable as to original bill, and recommendation that the committee substitute bill be re-referred to the Committee on Judiciary III.
- With a favorable report as to House committee substitute bill (#), which changes the title, unfavorable as to Senate committee substitute bill.
- With an unfavorable report.
- With recommendation that the House concur.
- With recommendation that the House do not concur.
- With recommendation that the House do not concur; request conferees.
- With recommendation that the House concur; committee believes bill to be material.
- With an unfavorable report, with a Minority Report attached.
- Without prejudice.
- With an indefinite postponement report.
- With an indefinite postponement report, with a Minority Report attached.
- With recommendation that it be adopted. (HOUSE RESOLUTION ONLY)

2/24/99

AGENDA

**HOUSE COMMITTEE ON RULES, CALENDAR AND
OPERATIONS OF THE HOUSE**

**April 28, 1999
Room 421 LOB
12:25 PM**

OPENING REMARKS

Representative Culpepper, Chairman

CONSIDERATION OF BILLS

ACTION TAKEN ON BILLS

ADJOURNMENT

MINUTES OF THE COMMITTEE ON RULES, CALENDAR AND OPERATIONS OF
THE HOUSE

April 28, 1999

The Committee on Rules, Calendar and Operations of the House met on April 28, 1999 at 12:25 p.m. in Room 421 of the Legislative Office Building. The following members were present: Representatives Culpepper, Chairman; Alexander, Crawford, Gibson, Gulley, Hill, Jarrell, Luebke, McCombs, McMahan, Tolson, and Yongue.

The following bills were considered:

COMMITTEE SUBSTITUTE TO HOUSE BILL 179-AN ACT TO INCREASE THE MONTHLY BENEFIT TO MEMBERS OF THE WILKESBORO FIREMEN'S SUPPLEMENTAL PENSION FUND. Rep. Brown, bill sponsor, was recognized to explain the committee substitute. He stated that the committee substitute removes the excess fund in the retirement system and raises the retirement benefits of the Wilkesboro firemen. Representative Jarrell moved for a favorable report to the committee substitute bill, and the motion carried.

COMMITTEE SUBSTITUTE TO HB 529 -AN ACT PERTAINING TO THE DISPLAY OF THE UNITED STATES FLAG. Representative Capps, bill sponsor, was recognized to explain the committee substitute bill. Representative McMahan moved that the committee substitute be given a favorable report, and the motion carried.

COMMITTEE SUBSTITUTE TO HOUSE BILL 678-AN ACT TO PROVIDE FOR EQUAL TREATMENT FOR ACUPUNCTURISTS WITH RESPECT TO INSURANCE REIMBURSEMENT. Representative Gulley made a motion that proposed committee substitute #2 which changes the title to AN ACT TO PROVIDE FOR EQUAL TREATMENT FOR ACUPUNCTURISTS WITH RESPECT TO INSURANCE REIMBURSEMENT AND TO INCREASE THE LATE RENEWAL FEE FOR AN ACUPUNCTURIST LICENSE be adopted. Without objection, the motion carried. The only change in the new committee substitute was an increase in the late renewal fee of a license. Representative Hill made a motion that the new proposed committee substitute be reported without prejudice, unfavorable as to committee substitute #1 and that it be re-referred to the Committee on Finance. The motion passed.

COMMITTEE SUBSTITUTE FOR HOUSE BILL 973-AN ACT TO MAKE CHANGES TO THE GENERAL STATUTES CONCERNING THE ISSUANCE OF A MARRIAGE LICENSE. Representative Hill, sponsor of the bill, was recognized to present the committee substitute. The committee substitute had received a favorable report from the Judiciary III Committee and was referred to the Rules Committee for further deliberation. Representative Hill informed the committee that the bill had been requested by the State Association of Registers of Deeds. Representative Luebke moved that the committee substitute be given a favorable report. The motion carried.

HOUSE BILL 87-AN ACT RELATING TO RICHMOND COUNTY.

Representative Goodwin, bill sponsor, was recognized to present the bill. Representative Yongue moved that a proposed committee substitute changing the title to AN ACT TO ALLOW RICHMOND COUNTY TO USE ITS LOCAL SALES TAX PROCEEDS FOR ANY LAWFUL PURPOSE be adopted, and the motion carried. Following Representative Goodwin's presentation, and questions by members of the committee, Representative Alexander made a motion that the proposed committee substitute be reported without prejudice with a recommendation that it be re-referred to the Committee on Finance, unfavorable as to the original bill. The motion carried.

HOUSE BILL 1132-AN ACT TO PROMOTE THE PRESERVATION OF FARMLAND, TO PROMOTE SMALL, FAMILY-OWNED FARMS, AND TO CHANGE THE DEFINITION OF SUBDIVISION SUBJECT TO REGULATION UNDER CHAPTER 153A OF THE GENERAL STATUTES. Representative Hill presented a proposed amendment, and Representative Tolson moved for its adoption. The motion carried. Representative Gibson moved that the bill be reported without prejudice as amended and be re-referred to the Committee on Finance. The motion passed.

HOUSE BILL 240-AN ACT TO AMEND THE LAWS REGARDING THE UNIVERSITY OF NORTH CAROLINA. Representative Alexander moved that a proposed committee substitute bill be adopted, and the motion passed. The proposed committee substitute bill changed the name of the bill to 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 chairman stated that this is a bill which is introduced every year authorizing certain capital improvements for the University. Representatives Insko and Hackney introduced the bill. Representative Hill made a motion that the proposed committee substitute be reported without prejudice and be re-referred to the Committee on Appropriations, unfavorable as to the original bill. The motion passed.

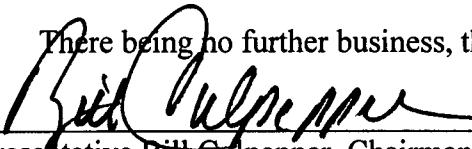
HOUSE BILL 1288-AN ACT TO ESTABLISH METROPOLITAN PLANNING BOARDS TO ASSIST THE DEPARTMENT OF TRANSPORTATION IN THE DEVELOPMENT OF TRANSPORTATION PLANS AND PROGRAMS FOR URBAN AREAS OF THE STATE. The chairman recognized Representative Luebke, the bill sponsor, to speak on the bill. Following his presentation, he made a motion that it be given a favorable report, and the motion carried.

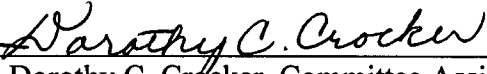
HOUSE BILL 1204-AN ACT TO AUTHORIZE THE DIVISION OF MOTOR VEHICLES TO RESTORE A DRIVERS LICENSE THAT HAS BEEN SUSPENDED DUE TO NONCOMPLIANCE WITH A FOREIGN JUDGMENT UNDER CERTAIN CIRCUMSTANCES. The chairman relinquished the chair to Representative Hill who recognized Representative Culpepper, sponsor of the bill. Following Representative Culpepper's explanation of a proposed committee substitute bill which changes the title to AN ACT TO AUTHORIZE THE ISSUANCE OF A DRIVERS LICENSE

REGARDLESS OF MOTOR VEHICLE OWNER'S NONCOMPLIANCE WITH A FOREIGN JUDGMENT UNDER CERTAIN CIRCUMSTANCES. Representative Tolson made a motion that the proposed committee substitute bill be given a favorable report, unfavorable as to the original bill. The motion carried.

HOUSE BILL 1207-AN ACT TO ALLOW INDIVIDUALS EXCLUDED FROM MEMBERSHIP IN THE TEACHERS' AND STATE EMPLOYEES' COMPREHENSIVE MAJOR MEDICAL PLAN FOR FILING FRAUDULENT CLAIMS TO BE REINSTATED IN THE PLAN. The chairman explained that the bill would limit the penalty of cessation of insurance coverage for false medical services upon complete restitution of all fraudulent claims to five years. Representative Gibson moved that the bill be given a favorable report, and the motion passed.

There being no further business, the meeting adjourned at 1:10 p.m.


Representative Bill Culpepper, Chairman


Dorothy C. Crocker, Committee Assistant

1 to defray and meet the legitimate claims accruing under the provisions and coverage
2 of the Firemen's Relief Fund of the Town of Wilkesboro.

3 Sec. 3. Any person who is a member of the Wilkesboro Fire Department, or a
4 retired member of the Wilkesboro Fire Department, as shown by the records of the
5 Town of Wilkesboro at the time of ratification of this act, or any person who becomes
6 a member, or any fireman of the Town of Wilkesboro who has become totally and
7 permanently disabled and who has served as a fireman of the Town of Wilkesboro for
8 five or more years, is eligible for benefits from the "Supplemental Pension Fund";
9 provided that the person has been retired as a member of the Wilkesboro Fire
10 Department under the provisions of the North Carolina Firemen's and Rescue Squad
11 Workers' Pension Fund as set out in Article 3, Chapter 118 of the General Statutes of
12 North Carolina and as participated in by the Town of Wilkesboro, or as a voluntary
13 member of the Fire Department of the Town of Wilkesboro, or has left service
14 because of the total and permanent disability described in this section. This act does
15 not modify or alter in any way the Worker's Compensation Laws of this State.

16 Sec. 4. Any member who has served 20 years as a fireman in the Wilkesboro Fire
17 Department and has attained the age of 55 or who has served for five or more years
18 and has become totally and permanently disabled is entitled to receive a monthly
19 pension from the "Supplemental Pension Fund". This monthly pension shall be in
20 the amount of ~~seventy five dollars (\$75.00)~~ one hundred dollars (\$100.00) per month.
21 If, for any reason, the Fund shall be insufficient to pay in full any pension benefits, or
22 other charges, then all benefits shall be reduced pro rata for as long as the deficiency
23 in amount exists. No claim shall accrue with respect to any amount by which a
24 benefit payment shall have been reduced.

25 Sec. 5. The Treasurer of the Board of Trustees of the Wilkesboro Firemen's Relief
26 Fund shall, from time to time, pay to the city clerk sufficient funds from the
27 "Supplemental Pension Fund" to pay the beneficiaries on the first day of each and
28 every month any monies the beneficiaries are entitled to under the provisions of this
29 act.

30 Sec. 6. The Treasurer of the Firemen's Relief Fund of the Town of Wilkesboro, as
31 custodian of the "Supplementary Pension Fund", shall be required to give a bond
32 with an indemnity company authorized to do business in the State of North Carolina
33 as surety in a sum equal to the maximum amount estimated by the board of trustees
34 as likely to be in his possession as custodian at any time within the fiscal year for
35 which the bond is given. This bond is in lieu of the bond required by G.S. 118-6.
36 The condition of the bond shall be that the custodian shall faithfully receive, keep,
37 disburse, and account for, as provided in this act, all funds and property coming into
38 his hands as custodian, and the premiums on the bond shall be paid by the Town of
39 Wilkesboro.

40 Sec. 7. The custodian of the "Supplemental Pension Fund" shall invest all monies
41 coming into his possession belonging to the "Supplemental Pension Fund", except so
42 much as the board of trustees from time to time determine is reasonably necessary for
43 the prompt payment of claims and expenses, in securities as the board of trustees
44 shall select. These securities shall be limited to those named in or authorized by

1 either G.S. 159-30 or G.S. 159-31. Investments in certificates of deposit or time
2 deposits in any bank or trust company or savings and loan associations shall not
3 exceed the amount insured by the Federal Deposit Insurance Corporation, the
4 Federal Savings and Loan Insurance Corporation, unless these deposits or
5 investments in shares are secured in the manner provided by G.S. 159-30 or G.S.
6 159-31.

7 Sec. 8. The board of trustees may accept any gift, grant, bequest, or devise or any
8 real or personal property or other instrument of value for the use of "Supplementary
9 Pension Fund".

10 Sec. 9. All laws and clauses of laws in conflict with the provisions of this act are
11 repealed.

12 Sec. 10. None of the provisions of this act shall create a liability for the
13 Wilkesboro Firemen's Supplemental Pension Fund unless sufficient current assets are
14 available in the Fund to pay fully for the liability.

15 Sec. 11. This act is effective upon ratification."

16 Section 2. This act becomes effective July 1, 1999.

**1999 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES**

The following report(s) from standing committee(s) is/are presented:

By Representative(s) **Culpepper** for the Committee on **Rules, Calendar and Operations of the House.**

Committee Substitute for

H.B. 179 A BILL TO BE ENTITLED AN ACT TO INCREASE THE MONTHLY BENEFIT TO MEMBERS OF THE WILKESBORO FIREMEN'S SUPPLEMENTAL PENSION FUND.

With a favorable report.

With a favorable report and recommendation that the bill be re-referred to the Committee on Appropriations Finance .

With a favorable report, as amended.

With a favorable report, as amended, and recommendation that the bill be re-referred to the Committee on Appropriations Finance .

With a favorable report as to committee substitute bill (#), which changes the title, unfavorable as to (original bill) (Committee Substitute Bill #), (and recommendation that the committee substitute bill #) be re-referred to the Committee on .)

With a favorable report as to House committee substitute bill (#), which changes the title, unfavorable as to Senate committee substitute bill.

With an unfavorable report.

With recommendation that the House concur.

With recommendation that the House do not concur.

With recommendation that the House do not concur; request conferees.

With recommendation that the House concur; committee believes bill to be material.

With an unfavorable report, with a Minority Report attached.

Without prejudice.

With an indefinite postponement report.

With an indefinite postponement report, with a Minority Report attached.

With recommendation that it be adopted. (HOUSE RESOLUTION ONLY)

2/24/99

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1999

H

2

HOUSE BILL 529
Committee Substitute Favorable 4/26/99

Short Title: Display of American Flag.

(Public)

Sponsors:

Referred to:

March 22, 1999

1 A BILL TO BE ENTITLED
2 AN ACT PERTAINING TO THE DISPLAY OF THE UNITED STATES FLAG.
3 The General Assembly of North Carolina enacts:
4 Section 1. Chapter 144 of the General Statutes is amended by adding a
5 new section to read:
6 "§ 144-6. Display of the American flag.
7 No provision of law shall prohibit the flag of the United States of America from
8 being flown or displayed anywhere within the State if the flag is flown or displayed:
9 (1) In accordance with the Patriotic Customs set forth in 36 U.S.C. §§
10 171-178 governing the display and use of the flag of the United
11 States of America.
12 (2) Upon private or public property with the consent of either the
13 owner of the property or any person having lawful control of the
14 property."
15 Section 2. The title of Chapter 144 of the General Statutes reads as
16 rewritten:
17 "State Flag, American Flag, Motto and Colors."
18 Section 3. This act is effective when it becomes law.

**1999 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES**

The following report(s) from standing committee(s) is/are presented:

By Representative(s) **Culpepper** for the Committee on **Rules, Calendar and Operations of the House.**

Committee Substitute for
H.B. 529 A BILL TO BE ENTITLED AN ACT PERTAINING TO THE DISPLAY OF THE UNITED STATES FLAG.

- With a favorable report.
- With a favorable report and recommendation that the bill be re-referred to the Committee on Appropriations Finance .
- With a favorable report, as amended.
- With a favorable report, as amended, and recommendation that the bill be re-referred to the Committee on Appropriations Finance .
- With a favorable report as to committee substitute bill (#), which changes the title, unfavorable as to (original bill) (Committee Substitute Bill #), (and recommendation that the committee substitute bill #) be re-referred to the Committee on .)
- With a favorable report as to House committee substitute bill (#), which changes the title, unfavorable as to Senate committee substitute bill.
- With an unfavorable report.
- With recommendation that the House concur.
- With recommendation that the House do not concur.
- With recommendation that the House do not concur; request conferees.
- With recommendation that the House concur; committee believes bill to be material.
- With an unfavorable report, with a Minority Report attached.
- Without prejudice.
- With an indefinite postponement report.
- With an indefinite postponement report, with a Minority Report attached.
- With recommendation that it be adopted. (HOUSE RESOLUTION ONLY)

2/24/99

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1999

H

D

HOUSE BILL 678
Proposed Committee Substitute H678-PCS3375-RN

Short Title: Acupuncturist Reimbursement.

(Public)

Sponsors:

Referred to:

March 29, 1999

1 A BILL TO BE ENTITLED
2 AN ACT TO PROVIDE FOR EQUAL TREATMENT FOR ACUPUNCTURISTS
3 WITH RESPECT TO INSURANCE REIMBURSEMENT.

4 The General Assembly of North Carolina enacts:

5 Section 1. G.S. 58-50-30 reads as rewritten:

6 "§ 58-50-30. (Effective July 1, 1999) Discrimination forbidden; right to choose services
7 of optometrist, podiatrist, certified clinical social worker, dentist, chiropractor,
8 psychologist, pharmacist, or advanced practice registered nurse: nurse, or
9 acupuncturist.

10 (a) Discrimination between individuals of the same class in the amount of
11 premiums or rates charged for any policy of insurance covered by Articles 50 through
12 55 of this Chapter, or in the benefits payable thereon, or in any of the terms or
13 conditions of the policy, or in any other manner whatsoever, is prohibited.

14 Whenever any policy of insurance governed by Articles 1 through 64 of this
15 Chapter provides for payment of or reimbursement for any service rendered in
16 connection with a condition or complaint that is within the scope of practice of a
17 duly licensed optometrist, a duly licensed podiatrist, a duly licensed dentist, a duly
18 licensed chiropractor, a duly certified clinical social worker, a duly licensed
19 psychologist, a duly licensed pharmacist, ~~or~~ an advanced practice registered nurse, or
20 a duly licensed acupuncturist, the insured or other persons entitled to benefits under
21 the policy shall be entitled to payment of or reimbursement for the services, whether
22 the services be performed by a duly licensed physician, a duly licensed optometrist, a
23 duly licensed podiatrist, a duly licensed dentist, a duly licensed chiropractor, a duly

1 certified clinical social worker, a duly licensed psychologist, a duly licensed
2 pharmacist, ~~or~~ an advanced practice registered nurse, or a duly licensed
3 acupuncturist, notwithstanding any provision contained in the policy. Whenever any
4 policy of insurance governed by Articles 1 through 64 of this Chapter provides for
5 certification of disability that is within the scope of practice of a duly licensed
6 physician, a duly licensed optometrist, a duly licensed podiatrist, a duly licensed
7 dentist, a duly licensed chiropractor, a duly certified clinical social worker, a duly
8 licensed psychologist, ~~or~~ an advanced practice registered nurse, or a duly licensed
9 acupuncturist, the insured or other persons entitled to benefits under the policy shall
10 be entitled to payment of or reimbursement for the disability whether the disability
11 be certified by a duly licensed physician, a duly licensed optometrist, a duly licensed
12 podiatrist, a duly licensed dentist, a duly licensed chiropractor, a duly certified
13 clinical social worker, a duly licensed psychologist, ~~or~~ an advanced practice registered
14 nurse, or a duly licensed acupuncturist, notwithstanding any provisions contained in
15 the policy. The policyholder, insured, or beneficiary shall have the right to choose the
16 provider of the services notwithstanding any provision to the contrary in any other
17 statute.

18 Whenever any policy of insurance provides coverage for medically necessary
19 treatment, the insurer shall not impose any limitation on treatment or levels of
20 coverage if performed by a duly licensed chiropractor acting within the scope of the
21 chiropractor's practice as defined in G.S. 90-151 or a duly licensed acupuncturist
22 acting within the scope of the acupuncturist's practice as defined in Article 30 of
23 Chapter 90 of the General Statutes unless a comparable limitation is imposed on such
24 medically necessary treatment if performed or authorized by any other duly licensed
25 physician.

26 (b) For the purposes of this section, a "duly licensed psychologist" shall be
27 defined only to include a psychologist who is duly licensed in the State of North
28 Carolina and has a doctorate degree in psychology and at least two years clinical
29 experience in a recognized health setting, or has met the standards of the National
30 Register of Health Service Providers in Psychology. After January 1, 1995, a duly
31 licensed psychologist shall be defined as a licensed psychologist who holds permanent
32 licensure and certification as a health services provider psychologist issued by the
33 North Carolina Psychology Board.

34 (c) For the purposes of this section, a "duly certified clinical social worker" is a
35 "certified clinical social worker" as defined in G.S. 90B-3(2) and certified by the
36 North Carolina Certification Board for Social Work pursuant to Chapter 90B of the
37 General Statutes.

38 (c1) Expired.

39 (c2) For purposes of this section, a "duly licensed acupuncturist" means an
40 acupuncturist licensed by the Acupuncture Licensing Board pursuant to Article 30 of
41 Chapter 90 of the General Statutes.

42 (d) Payment or reimbursement is required by this section for a service performed
43 by an advanced practice registered nurse only when:

- 1 (1) The service performed is within the nurse's lawful scope of
2 practice;
3 (2) The policy currently provides benefits for identical services
4 performed by other licensed health care providers;
5 (3) The service is not performed while the nurse is a regular employee
6 in an office of a licensed physician;
7 (4) The service is not performed while the registered nurse is
8 employed by a nursing facility (including a hospital, skilled nursing
9 facility, intermediate care facility, or home care agency); and
10 (5) Nothing in this section is intended to authorize payment to more
11 than one provider for the same service.

12 No lack of signature, referral, or employment by any other health care provider may
13 be asserted to deny benefits under this provision.

14 For purposes of this section, an "advanced practice registered nurse" means only a
15 registered nurse who is duly licensed or certified as a nurse practitioner, clinical
16 specialist in psychiatric and mental health nursing, or nurse midwife.

17 (e) Payment or reimbursement is required by this section for a service performed
18 by a duly licensed pharmacist only when:

- 19 (1) The service performed is within the lawful scope of practice of the
20 pharmacist;
21 (2) The service performed is not initial counseling services required
22 under State or federal law or regulation of the North Carolina
23 Board of Pharmacy;
24 (3) The policy currently provides reimbursement for identical services
25 performed by other licensed health care providers; and
26 (4) The service is identified as a separate service that is performed by
27 other licensed health care providers and is reimbursed by identical
28 payment methods.

29 Nothing in this subsection authorizes payment to more than one provider for the
30 same service."

31 Section 2. G.S. 58-65-1 reads as rewritten:

32 "**§ 58-65-1. (Effective July 1, 1999) Regulation and definitions; application of other**
33 **laws; profit and foreign corporations prohibited.**

34 (a) Any corporation heretofore or hereafter organized under the general
35 corporation laws of the State of North Carolina for the purpose of maintaining and
36 operating a nonprofit hospital and/or medical and/or dental service plan whereby
37 hospital care and/or medical and/or dental service may be provided in whole or in
38 part by said corporation or by hospitals and/or physicians and/or dentists participating
39 in such plan, or plans, shall be governed by this Article and Article 66 of this
40 Chapter and shall be exempt from all other provisions of the insurance laws of this
41 State, heretofore enacted, unless specifically designated herein, and no laws hereafter
42 enacted shall apply to them unless they be expressly designated therein.

43 The term "hospital service plan" as used in this Article and Article 66 of this
44 Chapter includes the contracting for certain fees for, or furnishing of, hospital care,

1 laboratory facilities, X-ray facilities, drugs, appliances, anesthesia, nursing care,
2 operating and obstetrical equipment, accommodations and/or any and all
3 services authorized or permitted to be furnished by a hospital under the laws of the
4 State of North Carolina and approved by the North Carolina Hospital Association
5 and/or the American Medical Association.

6 The term "medical service plan" as used in this Article and Article 66 of this
7 Chapter includes the contracting for the payment of fees toward, or furnishing of,
8 medical, obstetrical, surgical and/or any other professional services authorized or
9 permitted to be furnished by a duly licensed physician, except that in any plan in any
10 policy of insurance governed by this Article and Article 66 of this Chapter that
11 includes services which are within the scope of practice of a duly licensed
12 optometrist, a duly licensed chiropractor, a duly licensed psychologist, a duly licensed
13 pharmacist, an advanced practice registered nurse, a duly certified clinical social
14 worker, a duly licensed acupuncturist, and a duly licensed physician, then the insured
15 or beneficiary shall have the right to choose the provider of the care or service, and
16 shall be entitled to payment of or reimbursement for such care or service, whether
17 the provider be a duly licensed optometrist, a duly licensed chiropractor, a duly
18 licensed psychologist, a duly licensed pharmacist, an advanced practice registered
19 nurse, a duly certified clinical social worker, a duly licensed acupuncturist, or a duly
20 licensed physician notwithstanding any provision to the contrary contained in such
21 policy. The term "medical services plan" also includes the contracting for the
22 payment of fees toward, or furnishing of, professional medical services authorized or
23 permitted to be furnished by a duly licensed provider of health services licensed
24 under Chapter 90 of the General Statutes.

25 (b) Payment or reimbursement is required by this section for a service performed
26 by an advanced practice registered nurse only when:

- 27 (1) The service performed is within the nurse's lawful scope of
28 practice;
- 29 (2) The policy currently provides benefits for identical services
30 performed by other licensed health care providers;
- 31 (3) The service is not performed while the nurse is a regular employee
32 in an office of a licensed physician;
- 33 (4) The service is not performed while the registered nurse is
34 employed by a nursing facility (including a hospital, skilled nursing
35 facility, intermediate care facility, or home care agency); and
- 36 (5) Nothing in this section is intended to authorize payment to more
37 than one provider for the same service.

38 No lack of signature, referral, or employment by any other health care provider may
39 be asserted to deny benefits under this provision.

40 (b1) Payment or reimbursement is required by this section for a service performed
41 by a duly licensed pharmacist only when:

- 42 (1) The service performed is within the lawful scope of practice of the
43 pharmacist;

- 1 (2) The service performed is not initial counseling services required
2 under State or federal law or regulation of the North Carolina
3 Board of Pharmacy;
- 4 (3) The policy currently provides reimbursement for identical services
5 performed by other licensed health care providers; and
- 6 (4) The service is identified as a separate service that is performed by
7 other licensed health care providers and is reimbursed by identical
8 payment methods.

9 Nothing in this subsection authorizes payment to more than one provider for the
10 same service.

11 (c) For purposes of this section, an "advanced practice registered nurse" means
12 only a registered nurse who is duly licensed or certified as a nurse practitioner,
13 clinical specialist in psychiatric and mental health nursing, or nurse midwife.

14 For the purposes of this section, a "duly certified clinical social worker" is a
15 "certified clinical social worker" as defined in G.S. 90B-3(2) and certified by the
16 North Carolina Certification Board for Social Work pursuant to Chapter 90B of the
17 General Statutes.

18 For the purposes of this section, a "duly licensed psychologist" shall be defined
19 only to include a psychologist who is duly licensed in the State of North Carolina and
20 has a doctorate degree in psychology and at least two years clinical experience in a
21 recognized health setting, or has met the standards of the National Register of Health
22 Providers in Psychology. After January 1, 1995, a duly licensed psychologist shall be
23 defined as a licensed psychologist who holds permanent licensure and certification as
24 a health services provider psychologist issued by the North Carolina Psychology
25 Board.

26 For purposes of this section, a "duly licensed acupuncturist" means an
27 acupuncturist licensed by the Acupuncture Licensing Board pursuant to Article 30 of
28 Chapter 90 of the General Statutes.

29 The term "dental service plan" as used in this Article and Article 66 of this
30 Chapter includes contracting for the payment of fees toward, or furnishing of dental
31 and/or any other professional services authorized or permitted to be furnished by a
32 duly licensed dentist.

33 The insured or beneficiary of every "medical service plan" and of every "dental
34 service plan," as those terms are used in this Article and Article 66 of this Chapter,
35 or of any policy of insurance issued thereunder, that includes services which are
36 within the scope of practice of both a duly licensed physician and a duly licensed
37 dentist shall have the right to choose the provider of such care or service, and shall
38 be entitled to payment of or reimbursement for such care or service, whether the
39 provider be a duly licensed physician or a duly licensed dentist notwithstanding any
40 provision to the contrary contained in any such plan or policy.

41 The term "hospital service corporation" as used in this Article and Article 66 of
42 this Chapter is intended to mean any nonprofit corporation operating a hospital
43 and/or medical and/or dental service plan, as herein defined. Any corporation
44 heretofore or hereafter organized and coming within the provisions of this Article

1 and Article 66 of this Chapter, the certificate of incorporation of which authorizes the
2 operation of either a hospital or medical and/or dental service plan, or any or all of
3 them, may, with the approval of the Commissioner of Insurance, issue subscribers'
4 contracts or certificates approved by the Commissioner of Insurance, for the payment
5 of either hospital or medical and/or dental fees, or the furnishing of such services, or
6 any or all of them, and may enter into contracts with hospitals for physicians and/or
7 dentists, or any or all of them, for the furnishing of fees or services respectively under
8 a hospital or medical and/or dental service plan, or any or all of them.

9 The term "preferred provider" as used in this Article and Article 66 of this
10 Chapter with respect to contracts, organizations, policies or otherwise means a health
11 care service provider who has agreed to accept, from a corporation organized for the
12 purposes authorized by this Article and Article 66 of this Chapter or other applicable
13 law, special reimbursement terms in exchange for providing services to beneficiaries
14 of a plan administered pursuant to this Article and Article 66 of this Chapter. Except
15 to the extent prohibited either by G.S. 58-65-140 or by regulations promulgated by
16 the Department of Insurance not inconsistent with this Article and Article 66 of this
17 Chapter, the contractual terms and conditions for special reimbursement shall be
18 those which the corporation and preferred provider find to be mutually agreeable.

19 (d) No foreign or alien hospital or medical and/or dental service corporation as
20 herein defined shall be authorized to do business in this State."

21 Section 3. Article 30 of Chapter 90 of the General Statutes is amended by
22 adding the following new section:

23 "**§ 90-460. Free choice by patient guaranteed.**

24 No agency of the State, county, or municipality, nor any commission or clinic, nor
25 any board administering relief, social security, health insurance, or health service
26 under the laws of the State of North Carolina shall deny to the recipients or
27 beneficiaries of their aid or services the freedom to choose a duly licensed
28 acupuncturist as the provider of care or services which are within the scope of
29 practice of the profession of acupuncture as defined in this Article."

30 Section 4. G.S. 90-459 is repealed.

31 Section 5. G.S. 135-40.6(8) is amended by adding a new sub-subdivision
32 to read:

33 "u. Acupuncture: Allowable charges for the treatment of pain
34 and the production of regional anesthesia when performed
35 by a medical doctor or an acupuncturist licensed or certified
36 in the state in which he or she practices."

37 Section 6. This act becomes effective January 1, 2000. Sections 1, 2, and
38 3 apply to plans issued, amended, or renewed on or after that date. Section 5 applies
39 to treatment and services provided on or after January 1, 2000.

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1999

H

D

HOUSE BILL 678
Committee Substitute Favorable 4/26/99
Proposed Committee Substitute H678-PCS1252-RN

Short Title: Acupuncturist Reimbursement.

(Public)

Sponsors:

Referred to:

March 29, 1999

1 A BILL TO BE ENTITLED
2 AN ACT TO PROVIDE FOR EQUAL TREATMENT FOR ACUPUNCTURISTS
3 WITH RESPECT TO INSURANCE REIMBURSEMENT AND TO INCREASE
4 THE LATE RENEWAL FEE FOR AN ACUPUNCTURIST LICENSE.
5 The General Assembly of North Carolina enacts:
6 Section 1. G.S. 58-50-30 reads as rewritten:
7 "§ 58-50-30. (Effective July 1, 1999) Discrimination forbidden; right to choose services
8 of optometrist, podiatrist, certified clinical social worker, dentist, chiropractor,
9 psychologist, pharmacist, or advanced practice registered nurse: nurse, or
10 acupuncturist.
11 (a) Discrimination between individuals of the same class in the amount of
12 premiums or rates charged for any policy of insurance covered by Articles 50 through
13 55 of this Chapter, or in the benefits payable thereon, or in any of the terms or
14 conditions of the policy, or in any other manner whatsoever, is prohibited.
15 Whenever any policy of insurance governed by Articles 1 through 64 of this
16 Chapter provides for payment of or reimbursement for any service rendered in
17 connection with a condition or complaint that is within the scope of practice of a
18 duly licensed optometrist, a duly licensed podiatrist, a duly licensed dentist, a duly
19 licensed chiropractor, a duly certified clinical social worker, a duly licensed
20 psychologist, a duly licensed pharmacist, ~~or~~ an advanced practice registered nurse, or
21 a duly licensed acupuncturist, the insured or other persons entitled to benefits under
22 the policy shall be entitled to payment of or reimbursement for the services, whether

1 the services be performed by a duly licensed physician, a duly licensed optometrist, a
2 duly licensed podiatrist, a duly licensed dentist, a duly licensed chiropractor, a duly
3 certified clinical social worker, a duly licensed psychologist, a duly licensed
4 pharmacist, ~~or~~ an advanced practice registered nurse, or a duly licensed
5 acupuncturist, notwithstanding any provision contained in the policy. Whenever any
6 policy of insurance governed by Articles 1 through 64 of this Chapter provides for
7 certification of disability that is within the scope of practice of a duly licensed
8 physician, a duly licensed optometrist, a duly licensed podiatrist, a duly licensed
9 dentist, a duly licensed chiropractor, a duly certified clinical social worker, a duly
10 licensed psychologist, ~~or~~ an advanced practice registered nurse, or a duly licensed
11 acupuncturist, the insured or other persons entitled to benefits under the policy shall
12 be entitled to payment of or reimbursement for the disability whether the disability
13 be certified by a duly licensed physician, a duly licensed optometrist, a duly licensed
14 podiatrist, a duly licensed dentist, a duly licensed chiropractor, a duly certified
15 clinical social worker, a duly licensed psychologist, ~~or~~ an advanced practice registered
16 nurse, or a duly licensed acupuncturist, notwithstanding any provisions contained in
17 the policy. The policyholder, insured, or beneficiary shall have the right to choose the
18 provider of the services notwithstanding any provision to the contrary in any other
19 statute.

20 Whenever any policy of insurance provides coverage for medically necessary
21 treatment, the insurer shall not impose any limitation on treatment or levels of
22 coverage if performed by a duly licensed chiropractor acting within the scope of the
23 chiropractor's practice as defined in G.S. 90-151 or a duly licensed acupuncturist
24 acting within the scope of the acupuncturist's practice as defined in Article 30 of
25 Chapter 90 of the General Statutes unless a comparable limitation is imposed on such
26 medically necessary treatment if performed or authorized by any other duly licensed
27 physician.

28 (b) For the purposes of this section, a "duly licensed psychologist" shall be
29 defined only to include a psychologist who is duly licensed in the State of North
30 Carolina and has a doctorate degree in psychology and at least two years clinical
31 experience in a recognized health setting, or has met the standards of the National
32 Register of Health Service Providers in Psychology. After January 1, 1995, a duly
33 licensed psychologist shall be defined as a licensed psychologist who holds permanent
34 licensure and certification as a health services provider psychologist issued by the
35 North Carolina Psychology Board.

36 (c) For the purposes of this section, a "duly certified clinical social worker" is a
37 "certified clinical social worker" as defined in G.S. 90B-3(2) and certified by the
38 North Carolina Certification Board for Social Work pursuant to Chapter 90B of the
39 General Statutes.

40 (c1) Expired.

41 (c2) For purposes of this section, a "duly licensed acupuncturist" means an
42 acupuncturist licensed by the Acupuncture Licensing Board pursuant to Article 30 of
43 Chapter 90 of the General Statutes.

1 (d) Payment or reimbursement is required by this section for a service performed
2 by an advanced practice registered nurse only when:

- 3 (1) The service performed is within the nurse's lawful scope of
4 practice;
- 5 (2) The policy currently provides benefits for identical services
6 performed by other licensed health care providers;
- 7 (3) The service is not performed while the nurse is a regular employee
8 in an office of a licensed physician;
- 9 (4) The service is not performed while the registered nurse is
10 employed by a nursing facility (including a hospital, skilled nursing
11 facility, intermediate care facility, or home care agency); and
- 12 (5) Nothing in this section is intended to authorize payment to more
13 than one provider for the same service.

14 No lack of signature, referral, or employment by any other health care provider may
15 be asserted to deny benefits under this provision.

16 For purposes of this section, an "advanced practice registered nurse" means only a
17 registered nurse who is duly licensed or certified as a nurse practitioner, clinical
18 specialist in psychiatric and mental health nursing, or nurse midwife.

19 (e) Payment or reimbursement is required by this section for a service performed
20 by a duly licensed pharmacist only when:

- 21 (1) The service performed is within the lawful scope of practice of the
22 pharmacist;
- 23 (2) The service performed is not initial counseling services required
24 under State or federal law or regulation of the North Carolina
25 Board of Pharmacy;
- 26 (3) The policy currently provides reimbursement for identical services
27 performed by other licensed health care providers; and
- 28 (4) The service is identified as a separate service that is performed by
29 other licensed health care providers and is reimbursed by identical
30 payment methods.

31 Nothing in this subsection authorizes payment to more than one provider for the
32 same service."

33 Section 2. G.S. 58-65-1 reads as rewritten:

34 **"§ 58-65-1. (Effective July 1, 1999) Regulation and definitions; application of other**
35 **laws; profit and foreign corporations prohibited.**

36 (a) Any corporation heretofore or hereafter organized under the general
37 corporation laws of the State of North Carolina for the purpose of maintaining and
38 operating a nonprofit hospital and/or medical and/or dental service plan whereby
39 hospital care and/or medical and/or dental service may be provided in whole or in
40 part by said corporation or by hospitals and/or physicians and/or dentists participating
41 in such plan, or plans, shall be governed by this Article and Article 66 of this
42 Chapter and shall be exempt from all other provisions of the insurance laws of this
43 State, heretofore enacted, unless specifically designated herein, and no laws hereafter
44 enacted shall apply to them unless they be expressly designated therein.

1 The term "hospital service plan" as used in this Article and Article 66 of this
2 Chapter includes the contracting for certain fees for, or furnishing of, hospital care,
3 laboratory facilities, X-ray facilities, drugs, appliances, anesthesia, nursing care,
4 operating and obstetrical equipment, accommodations and/or any and all other
5 services authorized or permitted to be furnished by a hospital under the laws of the
6 State of North Carolina and approved by the North Carolina Hospital Association
7 and/or the American Medical Association.

8 The term "medical service plan" as used in this Article and Article 66 of this
9 Chapter includes the contracting for the payment of fees toward, or furnishing of,
10 medical, obstetrical, surgical and/or any other professional services authorized or
11 permitted to be furnished by a duly licensed physician, except that in any plan in any
12 policy of insurance governed by this Article and Article 66 of this Chapter that
13 includes services which are within the scope of practice of a duly licensed
14 optometrist, a duly licensed chiropractor, a duly licensed psychologist, a duly licensed
15 pharmacist, an advanced practice registered nurse, a duly certified clinical social
16 worker, a duly licensed acupuncturist, and a duly licensed physician, then the insured
17 or beneficiary shall have the right to choose the provider of the care or service, and
18 shall be entitled to payment of or reimbursement for such care or service, whether
19 the provider be a duly licensed optometrist, a duly licensed chiropractor, a duly
20 licensed psychologist, a duly licensed pharmacist, an advanced practice registered
21 nurse, a duly certified clinical social worker, a duly licensed acupuncturist, or a duly
22 licensed physician notwithstanding any provision to the contrary contained in such
23 policy. The term "medical services plan" also includes the contracting for the
24 payment of fees toward, or furnishing of, professional medical services authorized or
25 permitted to be furnished by a duly licensed provider of health services licensed
26 under Chapter 90 of the General Statutes.

27 (b) Payment or reimbursement is required by this section for a service performed
28 by an advanced practice registered nurse only when:

- 29 (1) The service performed is within the nurse's lawful scope of
30 practice;
- 31 (2) The policy currently provides benefits for identical services
32 performed by other licensed health care providers;
- 33 (3) The service is not performed while the nurse is a regular employee
34 in an office of a licensed physician;
- 35 (4) The service is not performed while the registered nurse is
36 employed by a nursing facility (including a hospital, skilled nursing
37 facility, intermediate care facility, or home care agency); and
- 38 (5) Nothing in this section is intended to authorize payment to more
39 than one provider for the same service.

40 No lack of signature, referral, or employment by any other health care provider may
41 be asserted to deny benefits under this provision.

42 (b1) Payment or reimbursement is required by this section for a service performed
43 by a duly licensed pharmacist only when:

- 1 (1) The service performed is within the lawful scope of practice of the
2 pharmacist;
- 3 (2) The service performed is not initial counseling services required
4 under State or federal law or regulation of the North Carolina
5 Board of Pharmacy;
- 6 (3) The policy currently provides reimbursement for identical services
7 performed by other licensed health care providers; and
- 8 (4) The service is identified as a separate service that is performed by
9 other licensed health care providers and is reimbursed by identical
10 payment methods.

11 Nothing in this subsection authorizes payment to more than one provider for the
12 same service.

13 (c) For purposes of this section, an "advanced practice registered nurse" means
14 only a registered nurse who is duly licensed or certified as a nurse practitioner,
15 clinical specialist in psychiatric and mental health nursing, or nurse midwife.

16 For the purposes of this section, a "duly certified clinical social worker" is a
17 "certified clinical social worker" as defined in G.S. 90B-3(2) and certified by the
18 North Carolina Certification Board for Social Work pursuant to Chapter 90B of the
19 General Statutes.

20 For the purposes of this section, a "duly licensed psychologist" shall be defined
21 only to include a psychologist who is duly licensed in the State of North Carolina and
22 has a doctorate degree in psychology and at least two years clinical experience in a
23 recognized health setting, or has met the standards of the National Register of Health
24 Providers in Psychology. After January 1, 1995, a duly licensed psychologist shall be
25 defined as a licensed psychologist who holds permanent licensure and certification as
26 a health services provider psychologist issued by the North Carolina Psychology
27 Board.

28 For purposes of this section, a "duly licensed acupuncturist" means an
29 acupuncturist licensed by the Acupuncture Licensing Board pursuant to Article 30 of
30 Chapter 90 of the General Statutes.

31 The term "dental service plan" as used in this Article and Article 66 of this
32 Chapter includes contracting for the payment of fees toward, or furnishing of dental
33 and/or any other professional services authorized or permitted to be furnished by a
34 duly licensed dentist.

35 The insured or beneficiary of every "medical service plan" and of every "dental
36 service plan," as those terms are used in this Article and Article 66 of this Chapter,
37 or of any policy of insurance issued thereunder, that includes services which are
38 within the scope of practice of both a duly licensed physician and a duly licensed
39 dentist shall have the right to choose the provider of such care or service, and shall
40 be entitled to payment of or reimbursement for such care or service, whether the
41 provider be a duly licensed physician or a duly licensed dentist notwithstanding any
42 provision to the contrary contained in any such plan or policy.

43 The term "hospital service corporation" as used in this Article and Article 66 of
44 this Chapter is intended to mean any nonprofit corporation operating a hospital

1 and/or medical and/or dental service plan, as herein defined. Any corporation
2 heretofore or hereafter organized and coming within the provisions of this Article
3 and Article 66 of this Chapter, the certificate of incorporation of which authorizes the
4 operation of either a hospital or medical and/or dental service plan, or any or all of
5 them, may, with the approval of the Commissioner of Insurance, issue subscribers'
6 contracts or certificates approved by the Commissioner of Insurance, for the payment
7 of either hospital or medical and/or dental fees, or the furnishing of such services, or
8 any or all of them, and may enter into contracts with hospitals for physicians and/or
9 dentists, or any or all of them, for the furnishing of fees or services respectively under
10 a hospital or medical and/or dental service plan, or any or all of them.

11 The term "preferred provider" as used in this Article and Article 66 of this
12 Chapter with respect to contracts, organizations, policies or otherwise means a health
13 care service provider who has agreed to accept, from a corporation organized for the
14 purposes authorized by this Article and Article 66 of this Chapter or other applicable
15 law, special reimbursement terms in exchange for providing services to beneficiaries
16 of a plan administered pursuant to this Article and Article 66 of this Chapter. Except
17 to the extent prohibited either by G.S. 58-65-140 or by regulations promulgated by
18 the Department of Insurance not inconsistent with this Article and Article 66 of this
19 Chapter, the contractual terms and conditions for special reimbursement shall be
20 those which the corporation and preferred provider find to be mutually agreeable.

21 (d) No foreign or alien hospital or medical and/or dental service corporation as
22 herein defined shall be authorized to do business in this State."

23 Section 3. Article 30 of Chapter 90 of the General Statutes is amended by
24 adding the following new section:

25 "§ 90-460. Free choice by patient guaranteed.

26 No agency of the State, county, or municipality, nor any commission or clinic, nor
27 any board administering relief, social security, health insurance, or health service
28 under the laws of the State of North Carolina shall deny to the recipients or
29 beneficiaries of their aid or services the freedom to choose a duly licensed
30 acupuncturist as the provider of care or services which are within the scope of
31 practice of the profession of acupuncture as defined in this Article."

32 Section 4. G.S. 90-459 is repealed.

33 Section 5. G.S. 135-40.6(8) is amended by adding a new sub-subdivision
34 to read:

35 "u. Acupuncture: Allowable charges for the treatment of pain
36 and the production of regional anesthesia when performed
37 by a medical doctor or an acupuncturist licensed or certified
38 in the state in which he or she practices."

39 Section 5.1. G.S. 90-457 reads as rewritten:

40 "§ 90-457. Fees.

41 The Board may establish fees, not to exceed the following amounts, to cover the
42 cost of services rendered:

43 (1) For an application and an examination, one hundred dollars
44 (\$100.00).

- 1 (2) For issuance of a license, five hundred dollars (\$500.00).
2 (3) For renewal of a license, three hundred dollars (\$300.00).
3 (4) For the late renewal of a license, an additional late fee of
4 ~~seventy five dollars (\$75.00).~~ one hundred dollars (\$100.00)."
5 Section 6. This act becomes effective January 1, 2000. Sections 1, 2, and
6 3 apply to plans issued, amended, or renewed on or after that date. Section 5 applies
7 to treatment and services provided on or after January 1, 2000.

**1999 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES**

The following report(s) from standing committee(s) is/are presented:

By Representative(s) **Culpepper** for the Committee on **Rules, Calendar and Operations of the House.**

- Committee Substitute for
H.B. 678 A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR EQUAL
TREATMENT FOR ACUPUNCTURISTS WITH RESPECT TO INSURANCE
REIMBURSEMENT.
- With a favorable report.
- With a favorable report and recommendation that the bill be re-referred to the Committee on
Appropriations Finance .
- With a favorable report, as amended.
- With a favorable report , as amended, and recommendation that the bill be re-referred to the
Committee on Appropriations Finance .
- Without prejudice as to committee substitute bill # 2, which changes the title, unfavorable
as to Committee Substitute Bill # 1, and recommendation that the committee substitute bill #2
be re-referred to the Committee on Finance.
- With a favorable report as to House committee substitute bill (#), which changes
the title, unfavorable as to Senate committee substitute bill.
- With an unfavorable report.
- With recommendation that the House concur.
- With recommendation that the House do not concur.
- With recommendation that the House do not concur; request conferees.
- With recommendation that the House concur; committee believes bill to be material.
- With an unfavorable report, with a Minority Report attached.
- Without prejudice.
- With an indefinite postponement report.
- With an indefinite postponement report, with a Minority Report attached.
- With recommendation that it be adopted. (HOUSE RESOLUTION ONLY)

2/24/99

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1999

H

2

HOUSE BILL 973
Committee Substitute Favorable 4/21/99

Short Title: Marriage License Change/Study.

(Public)

Sponsors:

Referred to:

April 12, 1999

1 A BILL TO BE ENTITLED
2 AN ACT TO MAKE CHANGES TO THE GENERAL STATUTES CONCERNING
3 THE ISSUANCE OF A MARRIAGE LICENSE.

4 The General Assembly of North Carolina enacts:

5 Section 1. G.S. 51-8 reads as rewritten:

6 "**§ 51-8. License issued by register of deeds.**

7 Every register of deeds shall, upon proper application, issue a license for the
8 marriage of any two persons if it appears that ~~such~~ these persons ~~are authorized to~~
9 may be married in accordance with the laws of this State. In making a determination
10 as to whether or not the parties ~~are authorized to~~ may be married under the laws of
11 this State, the register of deeds may require the applicants for the license to marry to
12 present certified copies of birth certificates ~~or birth registration cards provided for in~~
13 ~~G.S. 130-73~~, or ~~such~~ any other evidence as the register of deeds deems necessary to
14 ~~such~~ this determination. The register of deeds may administer an oath to any person
15 presenting evidence relating to whether or not parties applying for a marriage license
16 are eligible to be married pursuant to the laws of this State. Each applicant for a
17 marriage license shall provide on the application the applicant's social security
18 number. If the applicant does not have a social security number and is ineligible to
19 obtain one, the applicant shall present a statement to that effect, sworn to or affirmed
20 before an officer authorized to administer oaths. Upon presentation of such a
21 statement, the register of deeds shall issue the license, provided all other requirements
22 are met, and shall retain the statement with the register's copy of the license. The

- 1 register of deeds shall not issue a marriage license unless all of the requirements of
2 this section have been met."
3 Section 2. This act is effective when it becomes law.

**1999 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES**

The following report(s) from standing committee(s) is/are presented:

By Representative(s) **Culpepper** for the Committee on **Rules, Calendar and Operations of the House.**

Committee Substitute for

H.B. 973 A BILL TO BE ENTITLED AN ACT TO MAKE CHANGES TO THE
GENERAL STATUTES CONCERNING THE ISSUANCE OF A MARRIAGE LICENSE.

With a favorable report.

With a favorable report and recommendation that the bill be re-referred to the Committee on
Appropriations Finance .

With a favorable report, as amended.

With a favorable report, as amended, and recommendation that the bill be re-referred to the
Committee on Appropriations Finance .

With a favorable report as to committee substitute bill (#), which changes the title,
unfavorable as to (original bill) (Committee Substitute Bill #), (and recommendation
that the committee substitute bill #) be re-referred to the Committee on .)

With a favorable report as to House committee substitute bill (#), which changes
the title, unfavorable as to Senate committee substitute bill.

With an unfavorable report.

With recommendation that the House concur.

With recommendation that the House do not concur.

With recommendation that the House do not concur; request conferees.

With recommendation that the House concur; committee believes bill to be material.

With an unfavorable report, with a Minority Report attached.

Without prejudice.

With an indefinite postponement report.

With an indefinite postponement report, with a Minority Report attached.

With recommendation that it be adopted. (HOUSE RESOLUTION ONLY)

2/24/99

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1999

H

1

HOUSE BILL 87

Short Title: Richmond Local Act.

(Local)

Sponsors: Representative Goodwin.

Referred to: Local Government II.

February 16, 1999

- 1 A BILL TO BE ENTITLED
2 AN ACT RELATING TO RICHMOND COUNTY.
3 The General Assembly of North Carolina enacts:
4 Section 1. This act relates to Richmond County only.
5 Section 2. This act is effective when it becomes law.

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1999

H

D

HOUSE BILL 87
Proposed Committee Substitute H87-PCS4224-LC

Short Title: Richmond Sales Tax Use.

(Local)

Sponsors:

Referred to:

February 16, 1999

1 A BILL TO BE ENTITLED
2 AN ACT TO ALLOW RICHMOND COUNTY TO USE ITS LOCAL SALES TAX
3 PROCEEDS FOR ANY LAWFUL PURPOSE.
4 The General Assembly of North Carolina enacts:
5 Section 1. Notwithstanding the provisions of G.S. 105-487 and G.S. 105-
6 502, Richmond County may use the revenue it receives under Articles 40 and 42 of
7 Chapter 105 of the General Statutes for any lawful purpose.
8 Section 2. This act is effective when it becomes law and expires January
9 1, 2004.

**1999 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES**

The following report(s) from standing committee(s) is/are presented:

By Representative(s) **Culpepper** for the Committee on **Rules, Calendar and Operations of the House.**

Committee Substitute for

H.B. 87 A BILL TO BE ENTITLED AN ACT RELATING TO RICHMOND COUNTY.

With a favorable report.

With a favorable report and recommendation that the bill be re-referred to the Committee on Appropriations Finance .

With a favorable report, as amended.

With a favorable report, as amended, and recommendation that the bill be re-referred to the Committee on Appropriations Finance .

Without prejudice as to committee substitute bill, which changes the title, unfavorable as to original bill, and recommendation that the committee substitute bill be re-referred to the Committee on Finance.

With a favorable report as to House committee substitute bill (#), which changes the title, unfavorable as to Senate committee substitute bill.

With an unfavorable report.

With recommendation that the House concur.

With recommendation that the House do not concur.

With recommendation that the House do not concur; request conferees.

With recommendation that the House concur; committee believes bill to be material.

With an unfavorable report, with a Minority Report attached.

Without prejudice.

With an indefinite postponement report.

With an indefinite postponement report, with a Minority Report attached.

With recommendation that it be adopted. (HOUSE RESOLUTION ONLY)

2/24/99

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1999

H

2

HOUSE BILL 1132*
Second Edition Engrossed 4/28/99

Short Title: Preserve Farmlands/Promote Small Farms.

(Public)

Sponsors: Representatives Insko; and Gardner.

Referred to: Agriculture.

April 15, 1999

1 A BILL TO BE ENTITLED
2 AN ACT TO PROMOTE THE PRESERVATION OF FARMLAND, TO
3 PROMOTE SMALL, FAMILY-OWNED FARMS, AND TO CHANGE THE
4 DEFINITION OF SUBDIVISIONS SUBJECT TO REGULATION UNDER
5 CHAPTER 153A OF THE GENERAL STATUTES.

6 The General Assembly of North Carolina enacts:

7 Section 1. G.S. 106-737 reads as rewritten:

8 "**§ 106-737. Qualifying farmland.**

9 In order for farmland to qualify under this Article, it must be real property ~~that~~
10 that satisfies all of the following conditions:

- 11 (1) Is participating in the farm present-use-value taxation program
12 established by G.S. 105-277.2 through 105-277.7 or is otherwise
13 determined by the county to meet all the qualifications of this
14 program set forth in ~~G.S. 105-277.3~~; G.S. 105-277.3.
- 15 (2) Is certified by the Soil Conservation Service of the United States
16 Department of Agriculture as being a farm on which at least
17 two-thirds of the land is composed of soils that (i) are best suited
18 for providing food, seed, fiber, forage, timber, and oil seed crops,
19 (ii) have good soil qualities, (iii) are favorable for all major crops
20 common to the county where the land is located, (iv) have a
21 favorable growing season, and (v) receive the available moisture
22 needed to produce high yields an average of eight out of 10 years;
23 or on which at least two-thirds of the land has been actively used

1 in agricultural, horticultural or forestry operations as defined in
2 G.S. 105-277.2(1), (2), and (3) during each of the five previous
3 years, measured from the date on which the determination must be
4 made as to whether the land in question ~~qualifies;~~ qualifies.

5 (3) Is managed in accordance with the Soil Conservation Service
6 defined erosion control practices that are addressed to highly
7 erodable ~~land;~~ and land.

8 (4) Is the subject of a conservation agreement, as defined in G.S.
9 121-35, between the county and the owner of such land that
10 prohibits nonfarm use or development of such land for a period of
11 at least 10 years, except for the creation of not more than three lots
12 that meet applicable county zoning and subdivision regulations.

13 (5) Is not a farm that has an animal waste management system having
14 a design capacity of 600,000 pounds steady state live weight or
15 more."

16 Section 2. G.S. 106-744(c) reads as rewritten:

17 "(c) There is established a 'North Carolina Farmland Preservation Trust Fund' to
18 be administered by the Commissioner of Agriculture. The Trust Fund shall consist of
19 all monies received for the purpose of purchasing agricultural conservation easements
20 or farmland development rights or transferred from counties or private sources. The
21 Trust Fund shall be invested as provided in G.S. 147-69.2 and G.S. 147-69.3. The
22 Commissioner of Agriculture shall use Trust Fund monies to match any county funds
23 to establish and support a county agricultural economic development director to
24 promote agricultural economic development in that county and to improve the
25 economics of farming in that county by farmers of small, family-owned farms. The
26 Commissioner ~~shall~~ may use Trust Fund monies for the purchase of agricultural
27 conservation ~~easements;~~ easements and farm development rights, including
28 transaction ~~costs;~~ costs for both, and ~~shall~~ may distribute Trust Fund monies ~~to~~
29 ~~counties and private nonprofit conservation organizations~~ for such purchases,
30 including transaction ~~costs;~~ costs, as follows:

31 (1) To private nonprofit conservation organizations.

32 (2) To counties according to the match requirements under subsection
33 (c1) of this section.

34 (c1) A county that has prepared a countywide farmland protection plan and
35 zoned areas in the county for long-term agriculture use shall match twenty-five
36 percent (25%) of the Trust Fund monies it receives with county funds. A county that
37 has either prepared a countywide farmland protection plan or zoned areas in the
38 county for long-term agriculture use shall match forty percent (40%) of the Trust
39 Fund monies it receives with county funds. A county that has neither prepared a
40 countywide farmland protection plan nor zoned areas in the county for long-term
41 agriculture use shall match fifty percent (50%) of the Trust Fund monies it receives
42 with county funds.

43 (c2) The Commissioner of Agriculture shall adopt rules ~~and regulations~~ governing
44 the use, distribution, investment, and management of Trust Fund monies."

1 Section 3. G.S. 106-744 is amended by adding a new subsection to read:
2 "(c3) Farmers of small, family-owned farms in voluntary agriculture districts shall
3 have priority in receiving technical assistance from any agricultural economic
4 development director paid in part with Trust Fund monies under subsection (c) of
5 this section."

6 Section 4. G.S. 106-744 is amended by adding a new subsection to read:
7 "(e) As used in subsection (c1) of this section, a countywide farmland protection
8 plan means a plan that satisfies all of the following requirements:

- 9 (1) The countywide farmland protection plan shall contain a list and
10 description of existing agricultural activity in the county.
- 11 (2) The countywide farmland protection plan shall contain a list of
12 existing challenges to continued family farming in the county.
- 13 (3) The countywide farmland protection plan shall contain a list of
14 opportunities for maintaining or enhancing small, family-owned
15 farms and the local agricultural economy.
- 16 (4) The countywide farmland protection plan shall describe how the
17 county plans to maintain a viable agricultural community and shall
18 address farmland preservation tools, such as agricultural economic
19 development, including farm diversification and marketing
20 assistance; other kinds of agricultural technical assistance, such as
21 farm infrastructure financing, farmland purchasing, linking with
22 younger farmers, and estate planning; the desirability and feasibility
23 of donating agricultural conservation easements, entering into
24 voluntary agricultural districts, transferring development rights, and
25 zoning for long-term agricultural use areas."

26 Section 5. G.S. 153A-335 reads as rewritten:
27 **"§ 153A-335. 'Subdivision' defined.**

28 For purposes of this Part, 'subdivision' means all divisions of a tract or parcel of
29 land into two or more lots, building sites, or other divisions for the purpose of sale or
30 building development (whether immediate or future) and includes all division of land
31 involving the dedication of a new street or a change in existing streets; however, the
32 following is not included within this definition and is not subject to any regulations
33 enacted pursuant to this Part:

- 34 (1) The combination or recombination of portions of previously
35 subdivided and recorded lots if the total number of lots is not
36 increased and the resultant lots are equal to or exceed the
37 standards of the county as shown in its subdivision regulations;
- 38 (2) The division of land into parcels greater than ~~40~~ 50 acres if no
39 street right-of-way dedication is involved;
- 40 (3) The public acquisition by purchase of strips of land for widening
41 or opening streets; and
- 42 (4) The division of a tract in single ownership the entire area of which
43 is no greater than two acres into not more than three lots, if no
44 street right-of-way dedication is involved and if the resultant lots

1 are equal to or exceed the standards of the county as shown by its
2 subdivision regulations."

3 Section 5.1. Part 2 of Article 18 of Chapter 153A of the General Statutes
4 is amended by adding a new section to read:

5 **"§ 153A-335.1. Fees to support farmland protection.**

6 A county that has prepared and adopted a countywide farmland protection plan
7 containing all the elements set forth in G.S. 106-744(e) may adopt an ordinance
8 imposing a fee of no more than ten dollars (\$10.00) for each subdivision plat required
9 to be filed with the register of deeds for recordation. The monies collected pursuant
10 to this section shall be used to meet the county match requirements for obtaining
11 funding from the North Carolina Farmland Preservation Trust Fund."

12 Section 6. Sections 1 through 4 and Section 5.1 of this act become
13 effective July 1, 1999. The remainder of this act is effective when it becomes law.



NORTH CAROLINA GENERAL ASSEMBLY
AMENDMENT
House Bill 1132

AMENDMENT NO. _____
(to be filled in by
Principal Clerk)
Page 1 of _____

H1132-ARF-001

Date _____, 1999

Comm. Sub.
Amends Title

Rep. Hill

- 1 moves to amend the bill on page 4, between lines 2 and 3,
2 by adding a new section to read:
3 "Section 5.1. Part 2 of Article 18 of Chapter 153A of the
4 General Statutes is amended by adding a new section to read:
5 '153A-335.1 Fees to Support Farmland Protection.
6 A county that has prepared and adopted a countywide farmland
7 protection plan containing all the elements set forth in G.S. 106-
8 744(e) may adopt an ordinance imposing a fee of no more than ten
9 dollars (\$10.00) for each subdivision plat required to be filed with
10 the register of deeds for recordation. The monies collected
11 pursuant to this section shall be used to meet the county match
12 requirements for obtaining funding from the North Carolina Farmland
13 Preservation Trust Fund.'";
14
15 and further amends the bill on page 4, line 3, by adding after the
16 number "4" the phrase "and Section 5.1".

SIGNED _____
Amendment Sponsor

SIGNED _____
Committee Chair if Senate Committee Amendment

ADOPTED _____ FAILED _____ TABLED _____

**1999 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES**

The following report(s) from standing committee(s) is/are presented:

By Representative(s) **Culpepper** for the Committee on **Rules, Calendar, and Operations of the House.**

- Committee Substitute for
H.B. 1132 A BILL TO BE ENTITLED AN ACT TO PROMOTE THE PRESERVATION OF FARMLAND, TO PROMOTE SMALL, FAMILY-OWNED FARMS, AND TO CHANGE THE DEFINITION OF SUBDIVISIONS SUBJECT TO REGULATION UNDER CHAPTER 153A OF THE GENERAL STATUTES.
- With a favorable report.
- With a favorable report and recommendation that the bill be re-referred to the Committee on Appropriations Finance .
- With a favorable report, as amended.
- With a favorable report, as amended, and recommendation that the bill be re-referred to the Committee on Appropriations Finance .
- With a favorable report as to committee substitute bill (#), which changes the title, unfavorable as to (original bill) (Committee Substitute Bill #), (and recommendation that the committee substitute bill #) be re-referred to the Committee on .)
- With a favorable report as to House committee substitute bill (#), which changes the title, unfavorable as to Senate committee substitute bill.
- With an unfavorable report.
- With recommendation that the House concur.
- With recommendation that the House do not concur.
- With recommendation that the House do not concur; request conferees.
- With recommendation that the House concur; committee believes bill to be material.
- With an unfavorable report, with a Minority Report attached.
- Without prejudice, as amended, and be re-referred to the Committee on Finance.
- With an indefinite postponement report.
- With an indefinite postponement report, with a Minority Report attached.
- With recommendation that it be adopted. (HOUSE RESOLUTION ONLY)

2/24/99

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1999

H

1

HOUSE BILL 240

Short Title: UNC-1/AB.

(Public)

Sponsors: Representatives Insko and Hackney (Primary Sponsors).

Referred to: Rules, Calendar and Operations of the House.

March 4, 1999

- 1 A BILL TO BE ENTITLED
2 AN ACT TO AMEND THE LAWS REGARDING THE UNIVERSITY OF NORTH
3 CAROLINA.
4 The General Assembly of North Carolina enacts:
5 Section 1. This act is effective when it becomes law.

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1999

H

D

HOUSE BILL 240

Proposed Committee Substitute H240-CSLH-1

WARNING: LINE NUMBERS MAY CHANGE AFTER ADOPTION

Short Title: UNC Nonappropriated Capital Projects. (Public)

Sponsors:

Referred to:

March 4, 1999

1 A BILL TO BE ENTITLED
2 AN ACT TO AUTHORIZE THE CONSTRUCTION AND THE FINANCING, WITHOUT
3 APPROPRIATIONS FROM THE GENERAL FUND, OF CERTAIN CAPITAL
4 IMPROVEMENTS PROJECTS OF THE CONSTITUENT INSTITUTIONS OF THE
5 UNIVERSITY OF NORTH CAROLINA.

6 The General Assembly of North Carolina enacts:

7 Section 1. The purpose of this act is (i) to authorize
8 the construction or acquisition by certain constituent
9 institutions of The University of North Carolina, of the capital
10 improvements projects listed in the act for the respective
11 institutions, and (ii) to authorize the financing of these
12 projects with funds available to the institutions from gifts,
13 grants, receipts, self-liquidating indebtedness, or other funds,
14 or any combination of these funds, but not including funds
15 appropriated from the General Fund of the State.

16 Section 2. The capital improvements projects, and their
17 respective costs, authorized by this act to be constructed and
18 financed as provided in Section 1 of this act, are as follows:

19 1. **Appalachian State University**

20 Athletic Facilities	\$6,241,500
21 Improvements to Student Residence Facilities	9,417,000
22 Central Campus Parking Deck	9,169,400
23 Plemmons Student Union Interior/Exterior	

1	Renovations	4,046,700
2	Bookstore Renovations	2,250,000
3		
4	2. East Carolina University	
5	Materials Warehouse	2,900,300
6	Jones Hall Renovations and College Hill	
7	Central Chiller Plant	18,544,200
8	Strength and Conditioning Center	8,587,000
9		
10	3. Elizabeth City State University	
11	Renovation of Residence Halls	2,050,000
12		
13	4. North Carolina A&T State University	
14	Williams Cafeteria Renovation and Expansion	8,579,100
15		
16	5. North Carolina State University	
17	Central Stores Surplus Warehouse Expansion	4,185,400
18	Academic and Practice Facility	22,071,100
19	East Campus Dining Facility	3,134,800
20		
21	6. The University of North Carolina at Asheville	
22	New Residence Hall	5,699,700
23	North Carolina Center for Creative Retirement	3,471,600
24		
25	7. The University of North Carolina at Chapel Hill	
26	Teaching Research Building - School of Public	
27	Health	25,598,300
28	Addition to Carrington Hall - School of	
29	Nursing	7,904,000
30	Residence Halls for 1,000 Students	42,067,500
31	Medical School Office Building	33,677,000
32	Acquisition of Chapel Hill North Office	
33	Building	6,200,000
34	Airport Drive Office Building	7,005,200
35		
36	8. The University of North Carolina at Charlotte	
37	Bookstore	4,099,200
38	Cone Center Renovations	4,473,400
39	Parking Deck 'F'	8,223,400
40		
41	9. The University of North Carolina at Greensboro	
42	High-Rise Residence Hall Roof Replacements	737,500
43	Residence Hall Data Wiring and Electrical	
44	Renovations	4,525,000

1	Elliott University Center Renewal and	
2	Bookstore/Food Court Addition	22,000,000
3		
4	10. The University of North Carolina at Wilmington	
5	Housing for 200 Students	8,043,900
6	University Union Addition and Renovation	7,615,000
7		
8	11. Western Carolina University	
9	Hinds University Center Addition	4,904,200
10	New Student Housing (300 Beds)	14,480,600
11	Housing for Students with Families (20 units)	1,476,300
12		

13 Section 3. At the request of the Board of Governors of
14 The University of North Carolina and upon determining that it is
15 in the best interest of the State to do so, the Director of the
16 Budget may authorize an increase or decrease in the cost of, or a
17 change in the method of funding the projects authorized by this
18 act. In determining whether to authorize a change in cost or
19 funding, the Director of the Budget may consult with the Joint
20 Legislative Commission on Governmental Operations.

21 Section 4. This act is effective when it becomes law.

**1999 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES**

The following report(s) from standing committee(s) is/are presented:

By Representative(s) **Culpepper** for the Committee on **Rules, Calendar and Operations of the House.**

- Committee Substitute for
H.B. 240 A BILL TO BE ENTITLED AN ACT TO AMEND THE LAWS REGARDING
THE UNIVERSITY OF NORTH CAROLINA.
- With a favorable report.
- With a favorable report and recommendation that the bill be re-referred to the Committee on
Appropriations Finance .
- With a favorable report, as amended.
- With a favorable report, as amended, and recommendation that the bill be re-referred to the
Committee on Appropriations Finance .
- Without prejudice as to committee substitute bill which changes the title, unfavorable as
to original bill, and recommendation that the committee substitute bill be re-referred to the
Committee on Appropriations.
- With a favorable report as to House committee substitute bill (#), which changes
the title, unfavorable as to Senate committee substitute bill.
- With an unfavorable report.
- With recommendation that the House concur.
- With recommendation that the House do not concur.
- With recommendation that the House do not concur; request conferees.
- With recommendation that the House concur; committee believes bill to be material.
- With an unfavorable report, with a Minority Report attached.
- Without prejudice.
- With an indefinite postponement report.
- With an indefinite postponement report, with a Minority Report attached.
- With recommendation that it be adopted. (HOUSE RESOLUTION ONLY)

2/24/99

FOR JOURNAL USE ONLY

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

____ The (committee substitute) bill/resolution (, as amended,) is (ordered engrossed and) re-referred to the Committee on _____.

____ The bill/resolution is re-referred to the Committee on _____.

____ On motion of (Rep. _____,) (the Chair,) the (committee substitute) bill/resolution is (ordered engrossed and) re-referred to the Committee on _____.

____ Pursuant to Rule 36(b), the (House)committee substitute bill (No. _____)/resolution is placed on the Calendar of _____. (The original bill) (House Committee Substitute Bill No. _____)/resolution is placed on the Unfavorable Calendar.

____ On motion of Rep. _____, (the rules are suspended) (Rule _____ is suspended) and the bill/resolution is placed on today's calendar. (for immediate consideration.)

____ On motion of Rep. _____, Committee Amendment No.(s) _____ is/are adopted (by EV _____).

____ On motion of Rep. _____, Committee Amendment No.(s) _____ is/are adopted (by EV _____).

____ Rep. _____ offers Amendment No. _____ which (is adopted.) (fails of adoption.) (by EV _____.) () This amendment changes the title.

____ The bill/resolution (, as amended,) passes its second reading (by following vote, _____ RC) (, by EV _____,) and (remains on the Calendar,) (and there being no objection is read a third time).

____ The bill/resolution (, as amended,) passes its third reading (by the following vote, _____ RC) (, by EV _____,) and is ordered
____ sent to the Senate.
____ without engrossment. _____ by Special message.
____ sent to the Senate for concurrence in
____ House amendment (s).
____ House committee substitute.
____ enrolled.

____ On motion of Rep. _____, the House concurs in the (material) Senate _____ (by the following vote, _____ RC) (, by EV _____,) and the bill is ordered enrolled.

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1999

H

1

HOUSE BILL 1288*

Short Title: Establish Metropolitan Planning Boards.

(Public)

Sponsors: Representative Luebke.

Referred to: Transportation.

April 15, 1999

1 A BILL TO BE ENTITLED

2 AN ACT TO ESTABLISH METROPOLITAN PLANNING BOARDS TO ASSIST
3 THE DEPARTMENT OF TRANSPORTATION IN THE DEVELOPMENT OF
4 TRANSPORTATION PLANS AND PROGRAMS FOR URBAN AREAS OF
5 THE STATE.

6 The General Assembly of North Carolina enacts:

7 Section 1. Article 1 of Chapter 136 of the General Statutes is amended
8 by adding a new section to read:

9 "§ 136-15.1. Metropolitan planning boards.

10 (a) As used in this section:

11 (1) 'Metropolitan planning board' has the same meaning as
12 'metropolitan planning organization' as used in 23 U.S.C. § 134.

13 (2) 'Metropolitan area' has the same meaning as 'metropolitan area' as
14 used in 23 U.S.C. § 134.

15 (b) The Governor, with the assistance of the Secretary of Transportation, shall
16 designate a metropolitan planning board for each urban area of more than 50,000
17 population in the State and shall determine the boundaries of each metropolitan area
18 to be served by a metropolitan planning board. The Governor shall designate
19 metropolitan planning boards and designate metropolitan areas in accordance with
20 the requirements of 23 U.S.C. § 134.

21 (c) The boundaries of the area served by each metropolitan planning board shall
22 be evaluated and adjusted in the year following each decennial federal census.

23 (d) Article 2A of Chapter 150B of the General Statutes applies to the designation
24 of a metropolitan planning board and to the determination of a metropolitan area."

1 Section 2. The Governor shall designate initial metropolitan planning
2 boards and determine initial metropolitan areas on the basis of data collected in the
3 2000 federal census and shall complete all initial designations and determinations no
4 later than 31 December 2001.

5 Section 3. This act is effective when it becomes law.

**1999 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES**

The following report(s) from standing committee(s) is/are presented:

By Representative(s) **Culpepper** for the Committee on **Rules, Calendar and Operations of the House.**

Committee Substitute for

H.B. 1288 A BILL TO BE ENTITLED AN ACT TO ESTABLISH METROPOLITAN PLANNING BOARDS TO ASSIST THE DEPARTMENT OF TRANSPORTATION IN THE DEVELOPMENT OF TRANSPORTATION PLANS AND PROGRAMS FOR URBAN AREAS OF THE STATE.

- With a favorable report.
- With a favorable report and recommendation that the bill be re-referred to the Committee on Appropriations Finance .
- With a favorable report, as amended.
- With a favorable report, as amended, and recommendation that the bill be re-referred to the Committee on Appropriations Finance .
- With a favorable report as to committee substitute bill (#), which changes the title, unfavorable as to (original bill) (Committee Substitute Bill #), (and recommendation that the committee substitute bill #) be re-referred to the Committee on .)
- With a favorable report as to House committee substitute bill (#), which changes the title, unfavorable as to Senate committee substitute bill.
- With an unfavorable report.
- With recommendation that the House concur.
- With recommendation that the House do not concur.
- With recommendation that the House do not concur; request conferees.
- With recommendation that the House concur; committee believes bill to be material.
- With an unfavorable report, with a Minority Report attached.
- Without prejudice.
- With an indefinite postponement report.
- With an indefinite postponement report, with a Minority Report attached.
- With recommendation that it be adopted. (HOUSE RESOLUTION ONLY)

2/24/99

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1999

H

1

HOUSE BILL 1204

Short Title: Restore DL After Foreign Judgments.

(Public)

Sponsors: Representatives Culpepper; and Hardaway.

Referred to: Judiciary IV.

April 15, 1999

1 A BILL TO BE ENTITLED
2 AN ACT TO AUTHORIZE THE DIVISION OF MOTOR VEHICLES TO
3 RESTORE A DRIVERS LICENSE THAT HAS BEEN SUSPENDED DUE TO
4 NONCOMPLIANCE WITH A FOREIGN JUDGMENT UNDER CERTAIN
5 CIRCUMSTANCES.

6 The General Assembly of North Carolina enacts:

7 Section 1. G.S. 20-279.13 reads as rewritten:

8 "**§ 20-279.13. Suspension for nonpayment of judgment; ~~exceptions.~~ exceptions and**
9 **appeals.**

10 (a) The Commissioner, upon the receipt of a certified copy of a judgment, which
11 has remained unsatisfied for a period of 60 days, shall forthwith suspend the license
12 and any nonresident's operating privilege of any person against whom such judgment
13 was rendered, except as hereinafter otherwise provided in this section and in G.S.
14 20-279.16.

15 (b) The Commissioner shall not, however, revoke or suspend the license of an
16 owner or driver if the insurance carried by him was in a company which was
17 authorized to transact business in this State and which subsequent to an accident
18 involving the owner or operator and prior to settlement of the claim therefor went
19 into liquidation, so that the owner or driver is thereby unable to satisfy the judgment
20 arising out of the accident.

21 (c) If the judgment creditor consents in writing, in such form as the Commissioner
22 may prescribe, that the judgment debtor be allowed license or nonresident's operating
23 privilege, the same may be allowed by the Commissioner, in his discretion, for six
24 months from the date of such consent and thereafter until such consent is revoked in

1 writing notwithstanding default in the payment of such judgment, or of any
2 installments thereof prescribed in G.S. 20-279.16.

3 (d) The Commissioner shall restore any license or nonresident's operating privilege
4 suspended following the nonpayment of a foreign judgment upon satisfactory proof
5 that the owner was not operating or present within the motor vehicle at the time of
6 an accident outside of this State and the owner had in effect a motor vehicle liability
7 policy as defined in G.S. 20-279.21 covering the motor vehicle at the time of the
8 accident."

9 Section 2. This act is effective when it becomes law.

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1999

H

D

H1204-PCSRG-001
PROPOSED COMMITTEE SUBSTITUTE
HOUSE BILL 1204
THIS IS A DRAFT 20-APR-99 20:23:16
ATTENTION: LINE NUMBERS MAY CHANGE AFTER ADOPTION

Short Title: Restore DL After Foreign Judgments. (Public)

Sponsors:

Referred to:

April 15, 1999

1 A BILL TO BE ENTITLED
2 AN ACT TO AUTHORIZE THE ISSUANCE OF A DRIVERS LICENSE REGARDLESS
3 OF MOTOR VEHICLE OWNER'S NONCOMPLIANCE WITH A FOREIGN JUDGMENT
4 UNDER CERTAIN CIRCUMSTANCES.
5 The General Assembly of North Carolina enacts:
6 Section 1. G.S. 20-279.13 reads as rewritten:
7 "§ 20-279.13. Suspension for nonpayment of judgment; ~~exceptions.~~
8 exceptions and appeals.
9 (a) The Commissioner, upon the receipt of a certified copy of a
10 judgment, which has remained unsatisfied for a period of 60 days,
11 shall forthwith suspend the license and any nonresident's
12 operating privilege of any person against whom such judgment was
13 rendered, except as hereinafter otherwise provided in this
14 section and in G.S. 20-279.16.
15 (b) The Commissioner shall not, however, revoke or suspend the
16 license of an owner or driver if the insurance carried by him was
17 in a company which was authorized to transact business in this
18 State and which subsequent to an accident involving the owner or
19 operator and prior to settlement of the claim therefor went into

1 liquidation, so that the owner or driver is thereby unable to
2 satisfy the judgment arising out of the accident.

3 (b1) The Commissioner shall not refuse to issue a license or
4 nonresident's operating privilege on account of the nonpayment of
5 a foreign judgment arising out of an accident outside of this
6 State upon satisfactory proof that the owner was not operating or
7 present within the motor vehicle at the time of the accident and
8 the owner had in effect a motor vehicle liability policy as
9 defined in G.S. 20-279.21 covering the motor vehicle at the time
10 of the accident.

11 (c) If the judgment creditor consents in writing, in such form
12 as the Commissioner may prescribe, that the judgment debtor be
13 allowed license or nonresident's operating privilege, the same
14 may be allowed by the Commissioner, in his discretion, for six
15 months from the date of such consent and thereafter until such
16 consent is revoked in writing notwithstanding default in the
17 payment of such judgment, or of any installments thereof
18 prescribed in G.S. 20-279.16."

19 Section 2. This act is effective when it becomes law.

**1999 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES**

The following report(s) from standing committee(s) is/are presented:

By Representative(s) **Culpepper** for the Committee on **Rules, Calendar and Operations of the House.**

Committee Substitute for
H.B. 1204 A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE DIVISION OF
MOTOR VEHICLES TO RESTORE A DRIVERS LICENSE THAT HAS BEEN
SUSPENDED DUE TO NONCOMPLIANCE WITH A FOREIGN JUDGMENT UNDER
CERTAIN CIRCUMSTANCES.

- With a favorable report.
- With a favorable report and recommendation that the bill be re-referred to the Committee on Appropriations Finance .
- With a favorable report, as amended.
- With a favorable report, as amended, and recommendation that the bill be re-referred to the Committee on Appropriations Finance .
- With a favorable report as to committee substitute bill, which changes the title, unfavorable as to original bill.
- With a favorable report as to House committee substitute bill (#), which changes the title, unfavorable as to Senate committee substitute bill.
- With an unfavorable report.
- With recommendation that the House concur.
- With recommendation that the House do not concur.
- With recommendation that the House do not concur; request conferees.
- With recommendation that the House concur; committee believes bill to be material.
- With an unfavorable report, with a Minority Report attached.
- Without prejudice.
- With an indefinite postponement report.
- With an indefinite postponement report, with a Minority Report attached.
- With recommendation that it be adopted. (HOUSE RESOLUTION ONLY)

2/24/99

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1999

H

1

HOUSE BILL 1207

Short Title: Eligibility for State Health Benefits.

(Public)

Sponsors: Representatives Culpepper; Mosley and Hurley.

Referred to: Judiciary IV.

April 15, 1999

1 A BILL TO BE ENTITLED
2 AN ACT TO ALLOW INDIVIDUALS EXCLUDED FROM MEMBERSHIP IN
3 THE TEACHERS' AND STATE EMPLOYEES' COMPREHENSIVE MAJOR
4 MEDICAL PLAN FOR FILING FRAUDULENT CLAIMS TO BE
5 REINSTATED IN THE PLAN.

6 The General Assembly of North Carolina enacts:

7 Section 1. G.S. 135-40.2(h) reads as rewritten:

8 "(h) No person shall be eligible for coverage as an employee or retired employee
9 or as a dependent of an employee or retired employee upon a finding by the
10 Executive Administrator or Board of Trustees or by a court of competent jurisdiction
11 that the employee or dependent knowingly and willfully made or caused to be made
12 a false statement or false representation of a material fact in a claim for
13 reimbursement of medical services under the Plan. Persons subject to this subsection
14 shall have a cessation of coverage for a period of five years and are eligible for
15 benefits after the five-year period upon a full and complete restitution to the Plan for
16 all fraudulent claim amounts."

17 Section 2. G.S. 135-40.11(a)(6) reads as rewritten:

18 "(6) The last day of the month in which a covered individual is found
19 to have knowingly and willfully made or caused to be made a false
20 statement or false representation of a material fact in a claim for
21 reimbursement of medical services under the Plan. Persons subject
22 to this subdivision shall have a cessation of coverage for a period
23 of five years and are eligible for benefits after the five-year period

1
2
3

upon a full and complete restitution to the Plan for all fraudulent claim amounts."

Section 3. This act is effective when it becomes law.

**1999 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES**

The following report(s) from standing committee(s) is/are presented:

By Representative(s) **Culpepper** for the Committee on **Rules, Calendar and Operations of the House.**

- Committee Substitute for
H.B. 1207 A BILL TO BE ENTITLED AN ACT TO ALLOW INDIVIDUALS
EXCLUDED FROM MEMBERSHIP IN THE TEACHERS' AND STATE EMPLOYEES'
COMPREHENSIVE MAJOR MEDICAL PLAN FOR FILING FRAUDULENT CLAIMS
TO BE REINSTATED IN THE PLAN.
- With a favorable report.
- With a favorable report and recommendation that the bill be re-referred to the Committee on
Appropriations Finance .
- With a favorable report, as amended.
- With a favorable report, as amended, and recommendation that the bill be re-referred to the
Committee on Appropriations Finance .
- With a favorable report as to committee substitute bill (#), which changes the title,
unfavorable as to (original bill) (Committee Substitute Bill #), (and recommendation
that the committee substitute bill #) be re-referred to the Committee on .)
- With a favorable report as to House committee substitute bill (#), which changes
the title, unfavorable as to Senate committee substitute bill.
- With an unfavorable report.
- With recommendation that the House concur.
- With recommendation that the House do not concur.
- With recommendation that the House do not concur; request conferees.
- With recommendation that the House concur; committee believes bill to be material.
- With an unfavorable report, with a Minority Report attached.
- Without prejudice.
- With an indefinite postponement report.
- With an indefinite postponement report, with a Minority Report attached.
- With recommendation that it be adopted. (HOUSE RESOLUTION ONLY)

2/24/99

1999-2000

**HOUSE
RULES
COMMITTEE**

MINUTES

AGENDA

**HOUSE COMMITTEE ON RULES, CALENDAR AND
OPERATIONS OF THE HOUSE**

**April 29, 1999
Room 421 LOB
9:00AM**

OPENING REMARKS

Representative Culpepper, Chairman

CONSIDERATION OF BILLS

ACTION TAKEN ON BILLS

ADJOURNMENT

MINUTES OF THE COMMITTEE ON RULES, CALENDAR AND OPERATIONS OF
THE HOUSE

April 29, 1999

The Committee on Rules, Calendar and Operations of the House met on April 29, 1999 at 9: a.m. in Room 421 of the Legislative Office Building. The following members were present: Representatives Culpepper, Chairman; Hackney, Vice Chairman; Alexander, Allen, Crawford, Fitch, Gibson, Gulley, Hill, Jarrell, McCombs, McMahan, Tolson and Yongue.

The following bills were considered:

House Bill 1277-AN ACT TO PROMOTE COMPETITION, CHOICE, AND AVAILABILITY IN THE PURCHASE OF PRESCRIPTION DRUGS AND PHARMACY SERVICES. Representative Cole was the sponsor of the bill and offered a proposed committee substitute which changes the title to AN ACT TO PROMOTE COMPETITION, CHOICE, AND AVAILABILITY IN THE PURCHASE OF PRESCRIPTION DRUGS AND PHARMACY SERVICES, AND TO APPROPRIATE FUNDS TO THE DEPARTMENT OF INSURANCE TO MONITOR THE EFFECTS OF THIS ACT ON COVERED INDIVIDUALS. Representative Fitch moved for adoption of the proposed committee substitute for purposes of discussion. Without objection, it was so ordered. Representative Cole was recognized to explain the proposed committee substitute. Representative Crawford moved that the proposed committee substitute be reported without prejudice, unfavorable as to the original bill, and that it be re-referred to the Committee on Appropriations. The motion carried.

House Bill 734-AN ACT RELATING TO THE TOWN OF CHAPEL HILL, sponsored by Representatives Insko and Hackney. A proposed committee substitute was offered changing the title to AN ACT AUTHORIZING THE TOWN OF CHAPEL HILL TO ENTER INTO DEVELOPMENT AGREEMENTS WITH OWNERS OF LARGE TRACTS OF LAND WITHIN THE TOWN AND ITS EXTRATERRITORIAL PLANNING JURISDICTION. Representative McMahan moved for adoption of the proposed committee substitute for purposes of discussion. Without objection, it was so ordered. Representative Hackney explained that the bill had been introduced at the request of the Town of Chapel Hill and the University of North Carolina. It would allow a cooperative development agreement to be put into place between the Town and the University concerning the development of the Horace Williams Airport tract of land. Representative Hackney sent forth an amendment and moved for its adoption. The motion passed. Representative Fitch moved that the proposed committee substitute, as amended, be reported without prejudice, unfavorable as to the original bill, and be re-referred to the Committee on Finance, which motion passed.

House Bill 767-AN ACT RELATING TO THE CITY OF WILSON. Representative Fitch, bill sponsor, offered a proposed committee substitute changing the title to AN ACT TO DIVIDE DISTRICT COURT DISTRICT 7 AND PROSECUTOR-

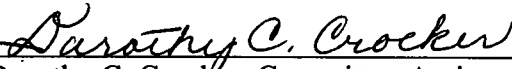
IAL DISTRICT 7 INTO DISTRICTS 7A AND 7B and moved for its adoption for the purpose of discussion. Without objection, it was so ordered. Following his explanation of the proposed committee substitute, he moved that it be reported without prejudice, unfavorable as to the original bill, and be referred to the Committee on Appropriations. The motion carried.

HOUSE BILL 228-AN ACT TO PROVIDE FOR HEALTH CARE DELIVERY. Representative Moseley, bill sponsor, offered a proposed committee substitute changing the title to AN ACT RELATING TO THE STATE EMPLOYEES COMBINED CAMPAIGN. Representative Gulley moved for adoption of the proposed committee substitute for the purpose of discussion. Without objection, it was so ordered. Representative Moseley spoke on the proposed committee substitute and requested that Mr. Glenn Peterson with the Department of Administration further explain the bill. Mr. Peterson stated that the proposed committee substitute establishes the Campaign within the Department of Administration and gives the Secretary of Administration the authority to make rules for the Campaign. Discussion by the committee members followed after which Representative Tolson then moved that the proposed committee substitute be reported without prejudice, unfavorable as to the original bill. The motion carried.

COMMITTEE SUBSTITUTE TO HOUSE BILL 1032-AN ACT TO AMEND THE UNDERGROUND DAMAGE PREVENTION ACT. The chairman asked Representative Hackney to chair the committee so that he could present a new proposed committee substitute. Representative Allen moved for the adoption of the new proposed committee substitute. The motion carried. Representative Culpepper explained the changes to committee substitute #1. Marvin Musselwhite who represents the North Carolina One Call Center was recognized and spoke in favor of the bill. Following questions by members of the committee, Representative Yongue moved for a favorable report to the proposed committee substitute, unfavorable as to committee substitute #1. The motion passed.

There being no further business, the meeting adjourned at 9:05 a.m.


Representative Bill Culpepper, Chairman


Dorothy C. Crocker, Committee Assistant

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1999

H

1

HOUSE BILL 1277

Short Title: Pharmacy Choice/Competition.

(Public)

Sponsors: Representatives Cole; Adams, Alexander, Allen, Arnold, Baddour, Baker, Barefoot, Blue, Bonner, Boyd-McIntyre, Bridgeman, Buchanan, Cansler, Capps, Church, Crawford, Culp, Davis, Decker, Dedmon, Easterling, Edwards, Fox, Gardner, Gillespie, Goodwin, Hackney, Hardaway, Hiatt, Hill, Howard, Hunter, Hurley, Jarrell, Jeffus, Justus, Kiser, McCombs, McCrary, Melton, Mitchell, Morris, Mosley, Nye, Oldham, Owens, Preston, Ramsey, Rayfield, Russell, Saunders, Setzer, Sexton, Sherrill, Smith, Sutton, Tallent, Teague, Thompson, Tolson, Wainwright, Walend, Warner, Warren, G. Wilson, Wright, and Yongue.

Referred to: Small Business.

April 15, 1999

1 A BILL TO BE ENTITLED
2 AN ACT TO PROMOTE COMPETITION, CHOICE, AND AVAILABILITY IN
3 THE PURCHASE OF PRESCRIPTION DRUGS AND PHARMACY SERVICES.
4 The General Assembly of North Carolina enacts:
5 Section 1. Article 51 of Chapter 58 of the General Statutes is amended
6 by adding a new section to read:
7 "**§ 58-51-36. Prescription drugs and pharmacy services benefits.**
8 **(a) This section applies to health benefit plans and insurers that provide**
9 **prescription card benefits for prescription drugs and pharmacy services and to third-**
10 **party administrators. This section does not apply to an entity that has its own facility,**
11 **employs or contracts with physicians, pharmacists, nurses, and other health care**
12 **personnel, and that dispenses prescription drugs from its own pharmacy to its**
13 **employees and to beneficiaries of its health benefit plan, except that this section shall**
14 **apply to an entity otherwise excluded that contracts with an outside pharmacy or**
15 **group of pharmacies to provide prescription drugs and pharmacy services. This**
16 **section does not apply to any federal program, clinical trial program, hospital, or**

1 other health care facility licensed pursuant to Chapter 131E or Chapter 122C of the
2 General Statutes, when dispensing prescription drugs to its patients.

3 (b) The purposes of this section are:

- 4 (1) To allow persons who have prescription drug and pharmacy
5 service benefits under a health benefit plan to redeem prescription
6 drug benefits at the pharmacies of their choice.
- 7 (2) To allow a pharmacy the option of filling its customers'
8 prescriptions and redeeming prescription card benefits for
9 prescriptions, without the necessity of a pharmacy provider
10 contract.
- 11 (3) To allow a pharmacy to establish its own charge or price for
12 prescription drugs and pharmacy services.
- 13 (4) To promote competition among retail pharmacies that redeem
14 prescription card benefits for prescription drugs and pharmacy
15 services.
- 16 (5) To prohibit anticompetitive restrictions in pharmacy provider
17 contracts.

18 (c) As used in this section:

- 19 (1) 'Co-payment' means a type of cost-sharing with respect to paying
20 for a prescription whereby the insured or beneficiary pays a
21 specified, usually predetermined amount per prescription, based on
22 the nature of the prescription, usually whether brand or generic,
23 and with the insurer or health benefit plan paying the remainder of
24 the charge. The co-payment is incurred at the time the
25 prescription is filled by the pharmacy and the prescription card
26 benefit is applied to the transaction. The co-payment may be a
27 fixed or variable amount.
- 28 (2) 'Drug' or 'prescription drug' means any substance subject to the
29 Federal Food, Drug, and Cosmetic Act, 21 U.S.C. §§ 301-395, as
30 amended.
- 31 (3) 'Health benefit plan' means an accident and health insurance
32 policy or certificate; a hospital or medical service corporation
33 contract; a health maintenance organization subscriber contract; a
34 plan provided by a multiple employer welfare arrangement; or a
35 plan provided by another benefit arrangement, to the extent
36 permitted by the Employee Retirement Income Security Act of
37 1974, as amended, or by any waiver of or other exception to that
38 Act provided under federal law or regulation. 'Health benefit plan'
39 does not mean any of the following kinds of insurance:
- 40 a. Accident.
- 41 b. Credit.
- 42 c. Disability income.
- 43 d. Long-term or nursing home care.
- 44 e. Medicare supplement.

- 1 f. Specified disease.
2 g. Dental or vision.
3 h. Coverage issued as a supplement to liability insurance.
4 i. Workers' compensation.
5 j. Medical payments under automobile or homeowners.
6 k. Insurance under which benefits are payable with or without
7 regard to fault and that are statutorily required to be
8 contained in any liability policy or equivalent self-insurance.
9 l. Hospital income or indemnity.
- 10 (4) 'Insurer' means an insurance company subject to this Chapter, a
11 hospital or medical service corporation organized under Article 65
12 of this Chapter, a health maintenance organization organized
13 under Article 67 of this Chapter, and a multiple employer welfare
14 arrangement subject to Article 49 of this Chapter.
- 15 (5) 'Pharmacy' means a pharmacy that is required to be registered
16 with the North Carolina Board of Pharmacy.
- 17 (6) 'Pharmacy provider contract' means a contract or agreement
18 between a pharmacy and an insurer or a third-party administrator
19 under which the pharmacy agrees to redeem prescription card
20 benefits provided by a health benefit plan or insurer or provided
21 or administered by a third-party administrator.
- 22 (7) 'Prescription card benefit' means a benefit for prescription drugs
23 or pharmacy services provided by a health benefit plan, an insurer,
24 or provided or administered by a third-party administrator. A
25 prescription card benefit is characterized by all of the following:
- 26 a. The prescription card benefit is evidenced by a benefit
27 identification number which may be contained or presented
28 on a prescription card.
- 29 b. The prescription card benefit is redeemed and processed by
30 the pharmacy at the time the prescription is filled through
31 electronic transmission to the insurer or third-party
32 administrator.
- 33 c. The insurer or third-party administrator requires the
34 beneficiary or person redeeming the prescription card
35 benefit to pay the pharmacy a co-payment predetermined by
36 the insurer or third-party administrator.
- 37 d. The insurer or third-party administrator pays a portion of
38 the cost for the prescription to the pharmacy.
- 39 (8) 'Redeem' means the process by which a person who has a
40 prescription card benefit applies through a pharmacy to use the
41 prescription card benefit on the cost of a prescription being filled
42 by the pharmacy. This process includes an application for use of
43 the prescription card benefit by the pharmacy to the insurer or
44 third-party administrator, with the application usually being made

1 by electronic transmission through computers, and with electronic
2 transmission response from the insurer or third-party administrator
3 verifying the prescription card benefit, the amount to be
4 reimbursed to the pharmacy for the prescription transaction, and
5 the amount, if any, of a co-payment to be paid by the beneficiary.

6 (9) 'Third-party administrator' means a person who does any of the
7 following in connection with a health benefit plan or a prescription
8 card benefit:

9 a. Directly or indirectly solicits, effects, or provides coverage.

10 b. Underwrites.

11 c. Collects charges or premiums.

12 d. Adjusts or settles claims.

13 (d) A person who has a prescription card benefit may redeem the prescription card
14 benefit at any pharmacy in this State willing to redeem the prescription card benefit.

15 (e) A pharmacy may redeem a person's prescription card benefit irrespective of
16 whether the pharmacy has entered into a pharmacy provider contract with the entity
17 providing or administering the prescription card benefit. When a pharmacy redeems
18 a prescription card benefit, the insurer or third-party administrator shall provide to
19 the pharmacy as part of the information transmitted the renewal date of the person's
20 prescription card benefits.

21 (f) An insurer or third-party administrator may not restrict or coerce a
22 beneficiary's choice of pharmacy at which to redeem the prescription card benefit.

23 (g) Nothing in this section prevents a pharmacy from entering into a pharmacy
24 provider contract.

25 (h) In redeeming prescription card benefits, a pharmacy may establish its own
26 price or charge for the prescription and pharmacy services, unless the pharmacy has
27 agreed otherwise by the terms of a pharmacy provider contract.

28 (i) If the price or charge for the prescription and pharmacy services established by
29 the pharmacy is greater than the prescription card benefit, the person redeeming the
30 prescription card benefit shall be responsible for paying the pharmacy the difference
31 between the prescription card benefit and the price or charge for the prescription and
32 services.

33 (j) If a person redeems a prescription card benefit at a pharmacy that is not a party
34 to a pharmacy provider contract with an insurer or third-party administrator, then the
35 insurer or third-party administrator shall redeem the prescription card benefit and
36 reimburse the pharmacy in the same manner, to the same extent, and at the same rate
37 as it would have had the prescription card benefit been redeemed pursuant to a
38 pharmacy provider contract.

39 (k) At the earliest practical time, before filling the prescription and if the
40 information is available, the pharmacy shall inform the person redeeming the
41 prescription card benefit of any difference between the sum of the prescription card
42 benefit and the co-payment and the price charged by the pharmacy.

43 (l) The pharmacy may charge the person redeeming the prescription card benefit
44 for services that are in addition to the filling of the prescription, including, but not

1 limited to, delivery services, unless the pharmacy has agreed otherwise by the terms
2 of a pharmacy provider contract.

3 (m) An insurer or third-party administrator that provides a prescription card
4 benefit shall inform health benefit plan policyholders that the prescription card
5 benefit may be redeemed at the pharmacy of the policyholder's choice. The
6 information shall be communicated to the policyholder through reasonable means, on
7 a timely basis, and at regular intervals, at least quarterly. If the information provided
8 states that the cost to the policyholder may be higher based on a pharmacy's price for
9 the prescription and services, then the information shall also provide in the same
10 manner and format that the cost to the policyholder may be lower based on the
11 pharmacy's price for the prescription and services. The information required by this
12 section shall be included in a written summary or description of the health benefit
13 plan, plan summaries, and explanation of benefits as well as other written
14 communications furnished to policyholders where prescription benefits are
15 mentioned.

16 (n) An insurer or third-party administrator may communicate with its
17 policyholders the names and locations of pharmacies that have agreed by pharmacy
18 provider contracts to fill prescriptions without any charge to the policyholder other
19 than the co-payment required by the insurer or third-party administrator. If the
20 communication is made, however, it must also state in the same communication and
21 in the same format that the prescription card benefit may be redeemed at any
22 pharmacy in the State willing to redeem it.

23 (o) Any provision of a pharmacy provider contract that is in conflict with this
24 section is void to the extent of the conflict.

25 (p) An insurer or third-party administrator that violates this section shall be subject
26 to G.S. 58-2-70. However, if pursuant to G.S. 58-2-70(d), monetary civil penalties are
27 directed by the Commissioner, for the purposes of this section, these penalties shall
28 not be less than one thousand dollars (\$1,000) per day, nor more than ten thousand
29 dollars (\$10,000) per day.

30 (q) If anything in this section conflicts with G.S. 58-51-37, this section controls to
31 the extent of the conflict."

32 Section 2. If any provision of this act or the application of this act to any
33 person or circumstance is held invalid, the other provisions or applications of this act
34 shall be given effect without the invalid provisions or applications.

35 Section 3. This act applies to every health benefit plan and pharmacy
36 provider contract as defined in Section 1 of this act that is delivered, issued for
37 delivery, or renewed on or after October 1, 1999. For purposes of this act, renewal
38 of a health benefit plan is presumed to occur on each anniversary of the date on
39 which coverage was first effective on the person or persons covered by the health
40 benefit plan.

41 Section 4. This act is effective when it becomes law.

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1999

H

D

HOUSE BILL 1277
Proposed Committee Substitute H1277-PCS1260-LN

Short Title: Pharmacy Choice/Competition.

(Public)

Sponsors:

Referred to:

April 15, 1999

- 1 A BILL TO BE ENTITLED
2 AN ACT TO PROMOTE COMPETITION, CHOICE, AND AVAILABILITY IN
3 THE PURCHASE OF PRESCRIPTION DRUGS AND PHARMACY SERVICES,
4 AND TO APPROPRIATE FUNDS TO THE DEPARTMENT OF INSURANCE
5 TO MONITOR THE EFFECTS OF THIS ACT ON COVERED INDIVIDUALS.
6 The General Assembly of North Carolina enacts:
7 Section 1. Article 51 of Chapter 58 of the General Statutes is amended
8 by adding a new section to read:
9 **"§ 58-51-36. Prescription drugs and pharmacy services benefits.**
10 **(a) This section applies to health benefit plans and insurers that provide**
11 **prescription card benefits for prescription drugs and pharmacy services and to third-**
12 **party administrators. This section does not apply to an entity that has its own facility,**
13 **employs or contracts with physicians, pharmacists, nurses, and other health care**
14 **personnel, and that dispenses prescription drugs from its own pharmacy to its**
15 **employees and to beneficiaries of its health benefit plan, except that this section shall**
16 **apply to an entity otherwise excluded that contracts with an outside pharmacy or**
17 **group of pharmacies to provide prescription drugs and pharmacy services. This**
18 **section does not apply to any federal program, clinical trial program, hospital, or**
19 **other health care facility licensed pursuant to Chapter 131E or Chapter 122C of the**
20 **General Statutes, when dispensing prescription drugs to its patients.**
21 **(b) The purposes of this section are:**

- 1 (1) To allow persons who have prescription drug and pharmacy
2 service benefits under a health benefit plan to redeem prescription
3 drug benefits at the pharmacies of their choice.
- 4 (2) To allow a pharmacy the option of filling its customers'
5 prescriptions and redeeming prescription card benefits for
6 prescriptions, without the necessity of a pharmacy provider
7 contract.
- 8 (3) To allow a pharmacy to establish its own charge or price for
9 prescription drugs and pharmacy services.
- 10 (4) To promote competition among retail pharmacies that redeem
11 prescription card benefits for prescription drugs and pharmacy
12 services.
- 13 (5) To prohibit anticompetitive restrictions in pharmacy provider
14 contracts.

15 (c) As used in this section:

- 16 (1) 'Co-payment' means a type of cost-sharing with respect to paying
17 for a prescription whereby the insured or beneficiary pays a
18 specified, usually predetermined amount per prescription, based on
19 the nature of the prescription, usually whether brand or generic,
20 and with the insurer or health benefit plan paying the remainder of
21 the charge. The co-payment is incurred at the time the
22 prescription is filled by the pharmacy and the prescription card
23 benefit is applied to the transaction. The co-payment may be a
24 fixed or variable amount.
- 25 (2) 'Drug' or 'prescription drug' means any substance subject to the
26 Federal Food, Drug, and Cosmetic Act, 21 U.S.C. §§ 301-395, as
27 amended.
- 28 (3) 'Health benefit plan' means an accident and health insurance
29 policy or certificate; a hospital or medical service corporation
30 contract; a health maintenance organization subscriber contract; a
31 plan provided by a multiple employer welfare arrangement; or a
32 plan provided by another benefit arrangement, to the extent
33 permitted by the Employee Retirement Income Security Act of
34 1974, as amended, or by any waiver of or other exception to that
35 Act provided under federal law or regulation. 'Health benefit plan'
36 does not mean any of the following kinds of insurance:
- 37 a. Accident.
- 38 b. Credit.
- 39 c. Disability income.
- 40 d. Long-term or nursing home care.
- 41 e. Medicare supplement.
- 42 f. Specified disease.
- 43 g. Dental or vision.
- 44 h. Coverage issued as a supplement to liability insurance.

- 1 i. Workers' compensation.
2 j. Medical payments under automobile or homeowners.
3 k. Insurance under which benefits are payable with or without
4 regard to fault and that are statutorily required to be
5 contained in any liability policy or equivalent self-insurance.
6 l. Hospital income or indemnity.
7 (4) 'Insurer' means an insurance company subject to this Chapter, a
8 hospital or medical service corporation organized under Article 65
9 of this Chapter, a health maintenance organization organized
10 under Article 67 of this Chapter, and a multiple employer welfare
11 arrangement subject to Article 49 of this Chapter.
12 (5) 'Pharmacy' means a pharmacy that is required to be registered
13 with the North Carolina Board of Pharmacy.
14 (6) 'Pharmacy provider contract' means a contract or agreement
15 between a pharmacy and an insurer or a third-party administrator
16 under which the pharmacy agrees to redeem prescription card
17 benefits provided by a health benefit plan or insurer or provided
18 or administered by a third-party administrator.
19 (7) 'Prescription card benefit' means a benefit for prescription drugs
20 or pharmacy services provided by a health benefit plan, an insurer,
21 or provided or administered by a third-party administrator. A
22 prescription card benefit is characterized by all of the following:
23 a. The prescription card benefit is evidenced by a benefit
24 identification number which may be contained or presented
25 on a prescription card.
26 b. The prescription card benefit is redeemed and processed by
27 the pharmacy at the time the prescription is filled through
28 electronic transmission to the insurer or third-party
29 administrator.
30 c. The insurer or third-party administrator requires the
31 beneficiary or person redeeming the prescription card
32 benefit to pay the pharmacy a co-payment predetermined by
33 the insurer or third-party administrator.
34 d. The insurer or third-party administrator pays a portion of
35 the cost for the prescription to the pharmacy.
36 (8) 'Redeem' means the process by which a person who has a
37 prescription card benefit applies through a pharmacy to use the
38 prescription card benefit on the cost of a prescription being filled
39 by the pharmacy. This process includes an application for use of
40 the prescription card benefit by the pharmacy to the insurer or
41 third-party administrator, with the application usually being made
42 by electronic transmission through computers, and with electronic
43 transmission response from the insurer or third-party administrator
44 verifying the prescription card benefit, the amount to be

1 reimbursed to the pharmacy for the prescription transaction, and
2 the amount, if any, of a co-payment to be paid by the beneficiary.

3 (9) 'Third-party administrator' means a person who does any of the
4 following in connection with a health benefit plan or a prescription
5 card benefit:

- 6 a. Directly or indirectly solicits, effects, or provides coverage.
7 b. Underwrites.
8 c. Collects charges or premiums.
9 d. Adjusts or settles claims.

10 (d) A person who has a prescription card benefit may redeem the prescription card
11 benefit at any pharmacy in this State willing to redeem the prescription card benefit.

12 (e) A pharmacy may redeem a person's prescription card benefit irrespective of
13 whether the pharmacy has entered into a pharmacy provider contract with the entity
14 providing or administering the prescription card benefit. When a pharmacy redeems
15 a prescription card benefit, the insurer or third-party administrator shall provide to
16 the pharmacy as part of the information transmitted the renewal date of the person's
17 prescription card benefits.

18 (f) An insurer or third-party administrator may not restrict or coerce a
19 beneficiary's choice of pharmacy at which to redeem the prescription card benefit.

20 (g) Nothing in this section prevents a pharmacy from entering into a pharmacy
21 provider contract.

22 (h) In redeeming prescription card benefits, a pharmacy may establish its own
23 price or charge for the prescription and pharmacy services, unless the pharmacy has
24 agreed otherwise by the terms of a pharmacy provider contract.

25 (i) If the price or charge for the prescription and pharmacy services established by
26 the pharmacy is greater than the prescription card benefit, the person redeeming the
27 prescription card benefit shall be responsible for paying the pharmacy the difference
28 between the prescription card benefit and the price or charge for the prescription and
29 services.

30 (j) If a person redeems a prescription card benefit at a pharmacy that is not a party
31 to a pharmacy provider contract with an insurer or third-party administrator, then the
32 insurer or third-party administrator shall redeem the prescription card benefit and
33 reimburse the pharmacy in the same manner, to the same extent, and at the same rate
34 as it would have had the prescription card benefit been redeemed pursuant to a
35 pharmacy provider contract.

36 (k) At the earliest practical time, before filling the prescription and if the
37 information is available, the pharmacy shall inform the person redeeming the
38 prescription card benefit of any difference between the sum of the prescription card
39 benefit and the co-payment and the price charged by the pharmacy.

40 (l) The pharmacy may charge the person redeeming the prescription card benefit
41 for services that are in addition to the filling of the prescription, including, but not
42 limited to, delivery services, unless the pharmacy has agreed otherwise by the terms
43 of a pharmacy provider contract.

1 (m) An insurer or third-party administrator that provides a prescription card
2 benefit shall inform health benefit plan policyholders that the prescription card
3 benefit may be redeemed at the pharmacy of the policyholder's choice. The
4 information shall be communicated to the policyholder through reasonable means, on
5 a timely basis, and at regular intervals, at least quarterly. If the information provided
6 states that the cost to the policyholder may be higher based on a pharmacy's price for
7 the prescription and services, then the information shall also provide in the same
8 manner and format that the cost to the policyholder may be lower based on the
9 pharmacy's price for the prescription and services. The information required by this
10 section shall be included in a written summary or description of the health benefit
11 plan, plan summaries, and explanation of benefits as well as other written
12 communications furnished to policyholders where prescription benefits are
13 mentioned.

14 (n) An insurer or third-party administrator may communicate with its
15 policyholders the names and locations of pharmacies that have agreed by pharmacy
16 provider contracts to fill prescriptions without any charge to the policyholder other
17 than the co-payment required by the insurer or third-party administrator. If the
18 communication is made, however, it must also state in the same communication and
19 in the same format that the prescription card benefit may be redeemed at any
20 pharmacy in the State willing to redeem it.

21 (o) Any provision of a pharmacy provider contract that is in conflict with this
22 section is void to the extent of the conflict.

23 (p) An insurer or third-party administrator that violates this section shall be subject
24 to G.S. 58-2-70. However, if pursuant to G.S. 58-2-70(d), monetary civil penalties are
25 directed by the Commissioner, for the purposes of this section, these penalties shall
26 not be less than one thousand dollars (\$1,000) per day, nor more than ten thousand
27 dollars (\$10,000) per day.

28 (q) If anything in this section conflicts with G.S. 58-51-37, this section controls to
29 the extent of the conflict."

30 Section 2. If any provision of this act or the application of this act to any
31 person or circumstance is held invalid, the other provisions or applications of this act
32 shall be given effect without the invalid provisions or applications.

33 Section 3. This act applies to every health benefit plan and pharmacy
34 provider contract as defined in Section 1 of this act that is delivered, issued for
35 delivery, or renewed on or after October 1, 1999. For purposes of this act, renewal
36 of a health benefit plan is presumed to occur on each anniversary of the date on
37 which coverage was first effective on the person or persons covered by the health
38 benefit plan.

39 Section 4. There is appropriated from the General Fund to the
40 Department of Insurance the sum of fifty thousand dollars (\$50,000) for the 1999-
41 2000 fiscal year. These funds shall be used by the Department to monitor the effects
42 of this act on persons whose health insurance coverage provides prescription card
43 benefits.

44 Section 5. This act is effective when it becomes law.

**1999 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES**

The following report(s) from standing committee(s) is/are presented:

By Representative(s) **CULPEPPER** for the Committee on **RULES, CALENDAR AND OPERATIONS OF THE HOUSE.**

- Committee Substitute for
H.B. 1277 A BILL TO BE ENTITLED AN ACT TO PROMOTE COMPETITION,
CHOICE, AND AVAILABILITY IN THE PURCHASE OF PRESCRIPTION DRUGS AND
PHARMACY SERVICES.
- With a favorable report.
- With a favorable report and recommendation that the bill be re-referred to the Committee on
Appropriations Finance .
- With a favorable report, as amended.
- With a favorable report, as amended, and recommendation that the bill be re-referred to the
Committee on Appropriations Finance .
- Without prejudice as to committee substitute bill, which changes the title, unfavorable as
to original bill, and recommendation that the committee substitute bill be re-referred to the
Committee on Appropriations.
- With a favorable report as to House committee substitute bill (#), which changes
the title, unfavorable as to Senate committee substitute bill.
- With an unfavorable report.
- With recommendation that the House concur.
- With recommendation that the House do not concur.
- With recommendation that the House do not concur; request conferees.
- With recommendation that the House concur; committee believes bill to be material.
- With an unfavorable report, with a Minority Report attached.
- Without prejudice.
- With an indefinite postponement report.
- With an indefinite postponement report, with a Minority Report attached.
- With recommendation that it be adopted. (HOUSE RESOLUTION ONLY)

2/24/99

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1999

H

1

HOUSE BILL 734

Short Title: Chapel Hill Local Act-1.

(Local)

Sponsors: Representatives Insko; and Hackney (Primary Sponsors).

Referred to: Rules, Calendar and Operations of the House.

March 30, 1999

- 1 A BILL TO BE ENTITLED
2 AN ACT RELATING TO THE TOWN OF CHAPEL HILL.
3 The General Assembly of North Carolina enacts:
4 Section 1. This act relates to the Town of Chapel Hill.
5 Section 2. This act is effective when it becomes law.

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1999

H

D

HOUSE BILL 734
Proposed Committee Substitute H734-PCS4237-LB

Short Title: Chapel Hill Development Agreements.

(Local)

Sponsors:

Referred to:

March 30, 1999

1 A BILL TO BE ENTITLED
2 AN ACT AUTHORIZING THE TOWN OF CHAPEL HILL TO ENTER INTO
3 DEVELOPMENT AGREEMENTS WITH OWNERS OF LARGE TRACTS OF
4 LAND WITHIN THE TOWN AND ITS EXTRATERRITORIAL PLANNING
5 JURISDICTION.
6 The General Assembly of North Carolina enacts:
7 Section 1. Article 19 of Chapter 160A of the General Statutes is
8 amended by adding a new Part to read:
9 "Part 3D. Development Agreements.
10 "§ 160A-400.15. Purpose.
11 It is the purpose of this Part to authorize municipalities to enter into development
12 agreements with owners of large tracts of land within their respective jurisdictions.
13 "§ 160A-400.16. Definitions.
14 The following definitions apply in this Part:
15 (1) Development agreement. -- An agreement, authorized by duly
16 enacted local zoning ordinance and entered into between a
17 municipality and an owner of a large tract of land, that recognizes
18 (i) the plan of development of the land, (ii) the terms and
19 conditions for development and the commitments and obligations
20 of the parties to accomplish the terms of the development, and (iii)
21 the municipality's authority to modify its land use regulations for a
22 period of time to comply with the requirements of this Part.

1 (2) Large tract of land. -- A contiguous tract or parcel of land,
2 including any intervening publicly dedicated right-of-way or utility
3 easements, consisting of at least 150 acres.

4 (3) Vested right. -- The term as defined in G.S. 160A-385.1.

5 (4) Contract zoning. -- A transaction wherein both the landowner who
6 is seeking a certain zoning action and the zoning authority itself
7 undertake reciprocal obligations in the context of a bilateral
8 contract.

9 **"§ 160A-400.17. Development agreements authorized.**

10 (a) A municipality may by ordinance authorize the execution of development
11 agreements between the municipality and the owner of a large tract of land to
12 establish commitments and obligations of the parties as more fully described in this
13 Part.

14 (b) Development agreements entered into pursuant to an ordinance enacted under
15 this Part are permissible and lawful and shall not constitute illegal contract zoning. A
16 municipality may enter into a long-term development agreement as authorized by this
17 Part and commit the municipality to that agreement beyond the term of the members
18 of the municipality's governing board who authorize the agreement.

19 (c) A municipality and the owner of a large tract of land are authorized to
20 establish a time period for the duration of vested rights for the plan of development
21 recognized in the development agreement, not to exceed 25 years for the initial
22 agreement.

23 (d) A municipality's development regulations, laws, and policies governing the
24 development of the large tract of land at the time of the execution of the
25 development agreement shall govern the development of the land for the duration of
26 the development agreement, except that subsequently adopted laws may be applied
27 pursuant to subsection (f) of this section.

28 (e) Any subsequent change in any applicable municipal ordinance enacted by the
29 municipality that alters or amends the standards for development of the large tract of
30 land shall not apply, except as provided by subsection (f) of this section.

31 (f) A municipality may apply subsequently adopted laws and policies to a
32 development that is subject to a development agreement if the municipality holds a
33 public hearing and determines by competent evidence that:

34 (1) The subsequently adopted laws do not prevent the development of
35 the buildings identified in the plan of development in the
36 development agreement;

37 (2) The subsequently adopted laws are essential to the public health or
38 safety, and expressly state that they shall apply to a development
39 agreement;

40 (3) The subsequently adopted laws are laws of general applicability
41 throughout the municipality; and

42 (4) The municipality demonstrates that substantial changes have
43 occurred in pertinent conditions existing at the time of approval of
44 the development agreement.

1 (g) Any otherwise applicable limitations on duration of vested rights contained in
2 G.S. 160A-385.1 or elsewhere shall not apply.

3 (h) If a municipality and the owner of a large tract of land enter into an initial
4 development agreement, the parties are further authorized, by following the
5 procedures set out in this Part, to enter into subsequent development agreements for
6 part or all of property which is the subject of the initial agreement.

7 "§ 160A-400.18. Contents of agreements; procedure.

8 (a) A development agreement shall include the following:

9 (1) A legal description of the real property subject to the agreement.

10 (2) The names of all owners of legal or equitable interests in the real
11 property.

12 (3) The initial duration of the agreement, which shall not exceed 25
13 years and shall include procedures for extension.

14 (4) A plan that recognizes development of the land, the terms and
15 conditions for development, and the commitments and obligations
16 of the parties to accomplish the plan of development.

17 (5) A description of all local development permits already approved or
18 which may be required in the future for the development of the
19 property subject to the agreement, including whether further
20 development agreements may be necessary.

21 (6) The commitments made by the municipality to the property owner
22 to recognize the rights of the property owner to develop the tract
23 consistent with the plan of development as established by the
24 municipality and the development agreement.

25 (7) A finding that the proposed development is consistent with the
26 comprehensive plan and development regulations of the
27 municipality.

28 (8) A description of the conditions, terms, restrictions, or other
29 requirements determined by the municipality to be necessary to
30 ensure (i) conformance with the municipality's development
31 regulations, laws, and policies governing the development of the
32 large tract of land at the time of the execution of the development
33 agreement, and (ii) the public health, safety, or welfare as
34 specifically defined in the criteria and standards established in the
35 municipality's development regulations, laws, and policies
36 governing the development.

37 (9) Provisions stating that the development agreement is binding upon
38 the property which is the subject of the agreement and upon the
39 property's owners and their successors and assigns.

40 (b) A development agreement may include the following:

41 (1) The period in which and terms by which development and
42 construction, in part or in its entirety, must be commenced or be
43 completed; and

44 (2) Any other necessary or proper matter.

1 (c) A municipality shall establish by ordinance procedures to be followed for the
2 enactment of a development agreement, including requirements that:

3 (1) The municipality receive a recommendation from its planning
4 agency and conduct a public hearing prior to approving and
5 entering a development agreement.

6 (2) The owner, within 180 days of approval of a development
7 agreement, cause a copy of the agreement to be recorded in the
8 office of the Register of Deeds where the property is located.

9 (3) Pertain to any other necessary or proper matter.

10 **"§ 160A-400.19. Requirements for zoning ordinance implementing this Part.**

11 Any development agreement entered into under the authority of this Part shall be
12 authorized by a duly enacted zoning ordinance of the municipality. The ordinance
13 shall include:

14 (1) Procedural requirements for amendment, termination, and
15 revocation of the agreement.

16 (2) Provisions for the enforcement of the terms of the agreement by
17 any party to the agreement or their successors in interest in
18 accordance with the general law, including injunctive relief.

19 (3) Any other necessary or proper matter.

20 **"§ 160A-400.20. Application of Part to property owned by the State.**

21 (a) All of the provisions of this Part are hereby made applicable to the erection,
22 construction, and use of buildings by the State of North Carolina and its political
23 subdivisions.

24 (b) Notwithstanding subsection (a) of this section, nothing in this Part shall
25 prevent the parties from addressing nonbuilding uses of land in a development
26 agreement.

27 (c) Notwithstanding the provisions of any general or local law or ordinance, no
28 land owned by the State of North Carolina may be included within an overlay district
29 or a special use or conditional use district without approval of the Council of State.

30 **"§ 160A-400.21. Applicability.**

31 This Part applies only to the Town of Chapel Hill."

32 Section 2. This act is effective when it becomes law.

PLEASE PRESS HARD - 5 COPIES

NORTH CAROLINA GENERAL ASSEMBLY AMENDMENT

(Please type or use ballpoint pen)

EDITION No. _____

H. B. No. 734

DATE _____

S. B. No. _____

Amendment No. _____

(to be filled in by
Principal Clerk)

COMMITTEE SUBSTITUTE _____

Rep.) ~~_____~~ Irsko
Sen.) _____

1 moves to amend the bill on page 2, line 13

2 () WHICH CHANGES THE TITLE
3 by Rewriting line 13 as follows:

4
5 " Part, and may authorize
6 the assessment of a fee
7 not to exceed one hundred
8 dollars (\$100.00) on the owner
9 of a large tract of land as
10 a condition of such development
11 agreement. Such fee, in the
12 discretion of the municipality,
13 may be waived for good cause
14 shown. "

SIGNED _____

ADOPTED _____ FAILED _____ TABLED _____

**1999 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES**

The following report(s) from standing committee(s) is/are presented:

By Representative(s) **CULPEPPER** for the Committee on **RULES, CALENDAR AND OPERATIONS OF THE HOUSE.**

Committee Substitute for
H.B. 734 A BILL TO BE ENTITLED AN ACT RELATING TO THE TOWN OF CHAPEL HILL.

- With a favorable report.
- With a favorable report and recommendation that the bill be re-referred to the Committee on Appropriations Finance .
- With a favorable report, as amended.
- With a favorable report, as amended, and recommendation that the bill be re-referred to the Committee on Appropriations Finance.
- Without prejudice as to committee substitute bill, as amended, which changes the title, unfavorable as to original bill, and recommendation that the committee substitute bill be re-referred to the Committee on Finance.
- With a favorable report as to House committee substitute bill (#), which changes the title, unfavorable as to Senate committee substitute bill.
- With an unfavorable report.
- With recommendation that the House concur.
- With recommendation that the House do not concur.
- With recommendation that the House do not concur; request conferees.
- With recommendation that the House concur; committee believes bill to be material.
- With an unfavorable report, with a Minority Report attached.
- Without prejudice.
- With an indefinite postponement report.
- With an indefinite postponement report, with a Minority Report attached.
- With recommendation that it be adopted. (HOUSE RESOLUTION ONLY)

2/24/99

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1999

H

1

HOUSE BILL 767

Short Title: Wilson Local Act.

(Local)

Sponsors: Representative Fitch.

Referred to: Rules, Calendar and Operations of the House.

March 31, 1999

- 1 A BILL TO BE ENTITLED
2 AN ACT RELATING TO THE CITY OF WILSON.
3 The General Assembly of North Carolina enacts:
4 Section 1. This act relates to the City of Wilson.
5 Section 2. This act is effective when it becomes law.

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1999

H

D

HOUSE BILL 767
Proposed Committee Substitute H767-PCS3407-LL

Short Title: Divide District 7.

(Local)

Sponsors:

Referred to:

March 31, 1999

1 A BILL TO BE ENTITLED
2 AN ACT TO DIVIDE DISTRICT COURT DISTRICT 7 AND PROSECUTORIAL
3 DISTRICT 7 INTO DISTRICTS 7A AND 7B.

4 The General Assembly of North Carolina enacts:

5 Section 1. G.S. 7A-133(a) reads as rewritten:

6 "(a) Each district court district shall have the numbers of judges as set forth in the
7 following table:

8
9

10	District	Judges	County
12	1	4	Camden
13			Chowan
14			Currituck
15			Dare
16			Gates
17			Pasquotank
18			Perquimans
19	2	3	Martin
20			Beaufort
21			Tyrrell
22			Hyde
23			Washington

1	3A	5	Pitt
2	3B	5	Craven
3			Pamlico
4			Carteret
5	4	7	Sampson
6			Duplin
7			Jones
8			Onslow
9	5	6	New Hanover
10			Pender
11	6A	2	Halifax
12	6B	3	Northampton
13			Bertie
14			Hertford
15	<u>7 7A</u>	<u>7 3</u>	Nash
16	<u>7B</u>	<u>4</u>	Edgecombe
17			Wilson
18	8	6	Wayne
19			Greene
20			Lenoir
21	9	4	Granville
22			(part of Vance
23			see subsection (b))
24			Franklin
25	9A	2	Person
26			Caswell
27	9B	1	Warren
28			(part of Vance
29			see subsection (b))
30	10	13	Wake
31	11	7	Harnett
32			Johnston
33			Lee
34	12	9	Cumberland
35	13	5	Bladen
36			Brunswick
37			Columbus
38	14	6	Durham
39	15A	3	Alamance
40	15B	4	Orange
41			Chatham
42	16A	3	Scotland
43			Hoke
44	16B	5	Robeson

1	17A	2	Rockingham
2	17B	3	Stokes
3			Surry
4	18	11	Guilford
5	19A	3	Cabarrus
6	19B	6	Montgomery
7			Moore
8			Randolph
9	19C	4	Rowan
10	20	7	Stanly
11			Union
12			Anson
13			Richmond
14	21	8	Forsyth
15	22	8	Alexander
16			Davidson
17			Davie
18			Iredell
19	23	4	Alleghany
20			Ashe
21			Wilkes
22			Yadkin
23	24	4	Avery
24			Madison
25			Mitchell
26			Watauga
27			Yancey
28	25	8	Burke
29			Caldwell
30			Catawba
31	26	15	Mecklenburg
32	27A	5	Gaston
33	27B	4	Cleveland
34			Lincoln
35	28	5	Buncombe
36	29	6	Henderson
37			McDowell
38			Polk
39			Rutherford
40			Transylvania
41	30	4	Cherokee
42			Clay
43			Graham
44			Haywood

1 Jackson
 2 Macon
 3 Swain."

4 Section 2. The district court judgeships established for District 7A by
 5 Section 1 of this act shall be filled by the district court judges from current District 7
 6 who reside in Nash County. The terms of two of the judges residing in Nash County
 7 expire the first Monday in December of 2000. Those judges' successors shall be
 8 elected in the 2000 election. The terms of one of the judges residing in Nash County
 9 expires the first Monday in December of 2002. That judge's successor shall be
 10 elected in the 2002 election.

11 Section 3. The district court judgeships established for District 7B by
 12 Section 1 of this act shall be filled by the district court judges from current District 7
 13 who reside in Edgecombe and Wilson Counties. The terms of two of the judges
 14 residing in Edgecombe and one of the judges residing in Wilson County expire the
 15 first Monday in December of 2000. Those judges' successors shall be elected in the
 16 2000 election. The term of one of the judges residing in Edgecombe County expires
 17 the first Monday in December of 2002. That judge's successor shall be elected in the
 18 2002 election.

19 Section 4. G.S. 7A-60(a1) reads as rewritten:

20 "(a1) The counties of the State are organized into prosecutorial districts, and
 21 each district has the counties and the number of full-time assistant district attorneys
 22 set forth in the following table:

23	24		No. of Full-Time
25	Proseutorial		Asst. District
26	District	Counties	Attorneys
27	1	Camden, Chowan, Currituck,	9
28		Dare, Gates, Pasquotank,	
29		Perquimans	
30	2	Beaufort, Hyde, Martin,	5
31		Tyrrell, Washington	
32	3A	Pitt	9
33	3B	Carteret, Craven, Pamlico	10
34	4	Duplin, Jones, Onslow,	14
35		Sampson	
36	5	New Hanover, Pender	13
37	6A	Halifax	4
38	6B	Bertie, Hertford,	4
39		Northampton	
40	7 <u>7A</u>	Edgecombe, Nash, Wilson <u>Nash</u>	15 <u>6</u>
41	<u>7B</u>	<u>Edgecombe, Wilson</u>	<u>9</u>
42	8	Greene, Lenoir, Wayne	11
43	9	Franklin, Granville,	10
44		Vance, Warren	

1	9A	Person, Caswell	4
2	10	Wake	28
3	11	Harnett, Johnston, Lee	14
4	12	Cumberland	17
5	13	Bladen, Brunswick, Columbus	9
6	14	Durham	13
7	15A	Alamance	7
8	15B	Orange, Chatham	7
9	16A	Scotland, Hoke	5
10	16B	Robeson	9
11	17A	Rockingham	5
12	17B	Stokes, Surry	5
13	18	Guilford	26
14	19A	Cabarrus	5
15	19B	Montgomery, Moore, Randolph	11
16	19C	Rowan	5
17	20	Anson, Richmond,	14
18		Stanly, Union	
19	21	Forsyth	17
20	22	Alexander, Davidson, Davie,	16
21		Iredell	
22	23	Alleghany, Ashe, Wilkes,	5
23		Yadkin	
24	24	Avery, Madison, Mitchell,	4
25		Watauga, Yancey	
26	25	Burke, Caldwell, Catawba	14
27	26	Mecklenburg	32
28	27A	Gaston	12
29	27B	Cleveland,	8
30		Lincoln	
31	28	Buncombe	10
32	29	Henderson, McDowell, Polk,	11
33		Rutherford, Transylvania	
34	30	Cherokee, Clay, Graham,	8
35		Haywood, Jackson, Macon,	
36		Swain."	

37 Section 5. The district attorney position established for District 7B by
 38 Section 4 of this act shall be filled by the district attorney from current District 7 who
 39 resides in Edgecombe County. The district attorney position established for District
 40 7A by Section 4 of this act shall be filled by appointment by the Governor. That
 41 district attorney's term expires on December 1, 2000. A successor shall be elected in
 42 the 2000 election.

43 Section 6. The six assistant district attorney positions established for
 44 District 7A by Section 4 of this act shall be filled by six assistant district attorneys

1 currently serving Nash County in District 7. The nine assistant district attorney
2 positions established for District 7B by Section 4 of this act shall be filled by nine
3 assistant district attorneys currently serving Edgecombe and Wilson Counties in
4 District 7.

5 Section 7. G.S. 7A-69 reads as rewritten:

6 "**§ 7A-69. Investigatorial assistants.**

7 The district attorney in prosecutorial districts 1, 3B, 4, 6B, 7, 7B, 8, 10, 11, 12, 13,
8 14, 15A, 15B, 18, 19B, 20, 21, 24, 25, 26, 27A, 27B, 28, 29, and 30 is entitled to one
9 investigatorial assistant to be appointed by the district attorney and to serve at his
10 pleasure.

11 It shall be the duty of the investigatorial assistant to investigate cases preparatory to
12 trial and to perform such other duties as may be assigned by the district attorney. The
13 investigatorial assistant is entitled to reimbursement for his subsistence and travel
14 expenses to the same extent as State employees generally."

15 Section 8. There is appropriated from the General Fund to the Judicial
16 Department the sum of two hundred ten thousand dollars (\$210,000) for the 1999-
17 2000 fiscal year and the sum of two hundred eighty thousand dollars (\$280,000) for
18 the 2000-2001 fiscal year to implement the provisions of this act.

19 Section 9. Sections 1 through 3 of this act become effective January 1,
20 2000, or the date upon which those sections are approved under Section 5 of the
21 Voting Rights Act of 1965, whichever is later. Sections 4 through 8 of this act
22 become effective January 1, 2000. The remainder of this act is effective when it
23 becomes law.

**1999 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES**

The following report(s) from standing committee(s) is/are presented:

By Representative(s) **CULPEPPER** for the Committee on **RULES, CALENDAR AND
OPERATIONS OF THE HOUSE.**

Committee Substitute for
H.B. 767 A BILL TO BE ENTITLED AN ACT RELATING TO THE CITY OF WILSON.

- With a favorable report.
- With a favorable report and recommendation that the bill be re-referred to the Committee on Appropriations Finance .
- With a favorable report, as amended.
- With a favorable report, as amended, and recommendation that the bill be re-referred to the Committee on Appropriations Finance .
- Without prejudice as to committee substitute bill, which changes the title, unfavorable as to original bill, and recommendation that the committee substitute bill be re-referred to the Committee on Appropriations.
- With a favorable report as to House committee substitute bill (#), which changes the title, unfavorable as to Senate committee substitute bill.
- With an unfavorable report.
- With recommendation that the House concur.
- With recommendation that the House do not concur.
- With recommendation that the House do not concur; request conferees.
- With recommendation that the House concur; committee believes bill to be material.
- With an unfavorable report, with a Minority Report attached.
- Without prejudice.
- With an indefinite postponement report.
- With an indefinite postponement report, with a Minority Report attached.
- With recommendation that it be adopted. (HOUSE RESOLUTION ONLY)

2/24/99

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1999

H

1

HOUSE BILL 228

Short Title: Health Care Delivery.

(Public)

Sponsors: Representatives Mosley; Insko, Edwards, Melton, and Wainwright.

Referred to: Rules, Calendar & Operations of the House.

March 4, 1999

1 A BILL TO BE ENTITLED
2 AN ACT TO PROVIDE FOR HEALTH CARE DELIVERY.
3 The General Assembly of North Carolina enacts:
4 Section 1. This act is effective when it becomes law.

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1999

H

D

HOUSE BILL 228
Proposed Committee Substitute H228-PCSA135-LR

Short Title: State Employees Combined Campaign.

(Public)

Sponsors:

Referred to:

March 4, 1999

- 1 A BILL TO BE ENTITLED
2 AN ACT RELATING TO THE STATE EMPLOYEES COMBINED CAMPAIGN.
3 The General Assembly of North Carolina enacts:
4 Section 1. G.S. 143-340 is amended by adding a new subdivision to read:
5 "(26) To establish the State Employees Combined Campaign in the
6 Department of Administration to allow State employees the
7 opportunity to contribute to charitable nonpartisan organizations in
8 an orderly and uniform process, with the authority to adopt all
9 rules necessary to implement the campaign."
10 Section 2.(a) Any rule pertaining to the State Employees Combined
11 Campaign adopted prior to the effective date of this act is ratified and affirmed.
12 Section 2.(b) This act constitutes a recent act of the General Assembly
13 within the meaning of G.S. 150B-21.1. The Secretary of Administration may adopt
14 temporary rules to implement the provisions of G.S. 143-340(26), as amended by
15 Section 1 of this act.
16 Section 3. This act is effective when it becomes law and applies to any
17 rule-making proceeding initiated by the Department of Administration for the State
18 Employees Combined Campaign before that date.

**1999 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES**

The following report(s) from standing committee(s) is/are presented:

By Representative(s) **CULPEPPER** for the Committee on **RULES, CALENDAR AND OPERATIONS OF THE HOUSE.**

- Committee Substitute for
H.B. 228 A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR HEALTH CARE DELIVERY.
- With a favorable report.
- With a favorable report and recommendation that the bill be re-referred to the Committee on Appropriations Finance .
- With a favorable report, as amended.
- With a favorable report, as amended, and recommendation that the bill be re-referred to the Committee on Appropriations Finance .
- With a favorable report as to committee substitute bill, which changes the title, unfavorable as to original bill.
- With a favorable report as to House committee substitute bill (#), which changes the title, unfavorable as to Senate committee substitute bill.
- With an unfavorable report.
- With recommendation that the House concur.
- With recommendation that the House do not concur.
- With recommendation that the House do not concur; request conferees.
- With recommendation that the House concur; committee believes bill to be material.
- With an unfavorable report, with a Minority Report attached.
- Without prejudice.
- With an indefinite postponement report.
- With an indefinite postponement report, with a Minority Report attached.
- With recommendation that it be adopted. (HOUSE RESOLUTION ONLY)

2/24/99

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 1999

H

D

HOUSE BILL 1032*
Proposed Committee Substitute H1032-PCS1243-RL

Short Title: Underground Utility Damage Amend.

(Public)

Sponsors:

Referred to:

April 14, 1999

1 A BILL TO BE ENTITLED
2 AN ACT TO AMEND THE UNDERGROUND DAMAGE PREVENTION ACT.
3 The General Assembly of North Carolina enacts:
4 Section 1. Article 8 of Chapter 87 of the General Statutes reads as
5 rewritten:

6 "ARTICLE 8.

7 "Underground Damage Prevention.

8 "§ 87-100. Short title.

9 This Article shall be known as the "Underground Damage Prevention Act".

10 "§ 87-101. Definitions.

11 As used in this Article:

12 (1) ~~"Association" means an association, sponsored by utility owners,~~
13 ~~that will provide for receipt of notification of excavation operations~~
14 ~~in a defined geographical area, and that will maintain the records~~
15 ~~of the notifications.~~

16 (2) "Damage" includes the substantial weakening of structural or
17 lateral support of an underground utility, penetration or
18 destruction of protective coating, housing, or other protective
19 device of an underground utility, and the partial or complete
20 severance of an underground utility.

21 (2a) "Emergency" means a sudden or unexpected occurrence involving
22 an imminent danger, demanding immediate action to prevent or

- 1 mitigate loss of, or damage to, life, health, property, or essential
2 service.
- 3 (3) "Excavate" or "excavation" means an operation for the purpose of
4 the movement or removal of earth, rock, or other materials in or
5 on the ground by use of equipment operated by means of
6 mechanical power and/or an operation by which a structure or
7 mass of material is wrecked, razed, moved, or removed by means
8 of any tools, equipment, or discharge of explosives. This term
9 includes road construction but does not include road maintenance
10 activities within rights-of-way of a highway, including those
11 maintenance activities defined by the rules and regulations of the
12 North Carolina Department of Transportation.
- 13 (4) "Highway" has the meaning set out in G.S. 20-4.01 as the same
14 shall be amended from time to time.
- 15 (4a) "Inclement weather" means an act of God that creates a weather
16 condition that prevents the placement of temporary markings as
17 required by G.S. 87-102.
- 18 (5) "Location of underground utilities" means a strip of land not wider
19 than the width of the underground utility plus ~~two and one-half (2~~
20 ~~1/2)~~ feet 24 inches on either side of the outside edge of the
21 underground utility.
- 22 (5a) "Member" means a utility owner who is a member of the
23 notification center established in G.S. 87-101.1.
- 24 (5b) "Notification center" means the notification center established in
25 G.S. 87-101.1.
- 26 (6) "Person" means a corporation, individual, copartnership, company,
27 association, or any combination of individuals or organizations
28 doing business as a unit, any subdivision or instrumentality of the
29 State, and includes any officer, agent, trustee, receiver, assignee,
30 lessee, or personal representative of any of the above entities.
- 31 (7) "Person financially responsible" means that person who ultimately
32 receives the benefits of any completed excavation activities,
33 including a person owning or leasing real property or holding an
34 easement or interest in an easement.
- 35 (8) "Public spaces" means any area owned by the State or any of its
36 political subdivisions or dedicated for public use.
- 37 (9) "Road construction" means the actual building of a new highway;
38 or the paving, grading, widening, relocation, reconstruction, or
39 other major improvement of a substantial portion of an existing
40 highway.
- 41 (10) "Road maintenance" means preservation, including repairs and
42 resurfacing of a highway, not amounting to road construction.
- 43 (11) "Street" has the meaning set out in G.S. 20-4.01 as the same shall
44 be amended from time to time.

1 (12) "Underground utility" means any underground line, system or
2 facility used for producing, storing, conveying, transmitting, or
3 distributing communication or telecommunication, electricity, gas,
4 petroleum and petroleum products, coal slurry, hazardous liquids,
5 water under pressure, steam, or sanitary sewage, but not including
6 traffic signal control cables and vehicle detection cables of the
7 North Carolina Department of Transportation.

8 (13) "Utility owner" means any person who owns or operates an
9 underground utility.

10 (14) "Work day" means every day except Saturday, Sunday, national
11 legal holidays and State legal holidays.

12 **§ 87-101.1. Establishment of notification center.**

13 (a) Utility owners shall establish a single notification center to provide for the
14 receipt of notification of excavation operations throughout the State and to maintain
15 a database, provided by its members, that includes the geographic areas in which its
16 members desire transmissions of notices of proposed excavations, and which has the
17 capability to transmit notices of proposed excavations to its members by teletype,
18 telecopy, electronic mail, facsimile, or telephone.

19 (b) The notification center shall be operated as a nonprofit corporation, and
20 except as provided in G.S. 87-107(a), each utility owner shall be a member of that
21 corporation by using and participating in the notification system. The membership of
22 the corporation shall elect a board of directors, through which the notification center
23 shall perform its duties.

24 (c) In order to fund the operation of the notification system, the notification
25 center, through its board of directors, may assess each member an amount reflecting
26 the cost of that member's participation in the system.

27 (d) The board of directors of the notification center shall provide the Governor,
28 the President Pro Tempore of the Senate, and the Speaker of the House of
29 Representatives with an annual progress report on the operation of the notification
30 system provided for in this Article by March 1 of each year.

31 **§ 87-102. Notice required prior to excavation.**

32 (a) Except as provided in G.S. 87-106, before commencing any excavations in
33 highways, public spaces or in private easements of a utility owner, a person planning
34 to excavate shall notify ~~each utility owner having underground utilities located in the~~
35 ~~proposed area to be excavated;~~ the notification center or a unit of local government
36 that has elected not to be a member pursuant to the provisions of G.S. 87-107(a)
37 either orally or in writing, not less than two nor more than 10 working days prior to
38 starting, of his intent to excavate.

39 (b) The written or oral notice required in subsection (a) shall contain:

40 (1) The name, address, and telephone number of the person filing the
41 notice;

42 (2) The name, address, and telephone number of the person doing the
43 excavating;

44 (3) The anticipated starting date of the excavation;

- 1 (4) The anticipated duration of the excavation;
2 (5) The type of excavation to be conducted;
3 (6) The location of the proposed excavation; ~~and~~
4 (7) Whether or not explosives will be ~~used~~; used; and
5 (8) Whether or not boring, drilling, tunneling, ramming, or punching
6 will take place.

7 (c) If the notice required by this section is made by telephone, an adequate record
8 shall be made ~~of the notification by the utility owners or the utility association and~~
9 ~~the person making the notification~~; by the notification center or the unit of local
10 government to document compliance with this section.

11 (d) A notice shall be valid for 10 working days from the time of notification. Two
12 working days before the end of the 10 working days, or at any time when the
13 underground utility location markings on the ground become illegible or are
14 destroyed, the excavator shall request a remarking of the underground utility
15 locations. The utility owner shall remark the locations as soon as possible after such
16 a request, but in any event the remarking shall be completed within 48 hours after
17 the request to remark is received, barring inclement weather.

18 "**§ 87-103. Effect of permit on liability.**

19 A permit authorizing excavation operations and issued pursuant to law or
20 ordinance shall not relieve a person of the responsibility of complying with this
21 Article.

22 "**§ 87-104. Requirements of person doing excavation.**

23 (a) Except as provided in G.S. 87-106, no person may excavate in a highway, a
24 public space, or a private easement of a utility owner without first having given the
25 notice required in ~~G.S. 87-102 to the utility owners~~; G.S. 87-102.

26 (b) In addition to the notification requirements, each person excavating shall:

- 27 (1) Plan the excavation to avoid damage and to minimize interference
28 with underground utilities in and near the construction area, to the
29 best of his ~~abilities~~; abilities.
30 (2) Maintain a clearance between an underground utility and the
31 cutting edge or point of any mechanized equipment, taking into
32 account the known limit of control of that cutting edge or point, as
33 is reasonably required to avoid ~~damage, and~~ damage.

34 (2a) Take reasonable steps to protect any underground utility lines
35 when excavating within 24 inches of either side of the outside
36 edges of the marked location of a utility owner's underground
37 facilities, as defined in G.S. 87-101(5). This protection shall
38 include hand-digging, air-jetting, or vacuum excavation, or other
39 means of safe excavation designed to avoid damage to the facility
40 marked until that facility is exposed or is determined to be below
41 the proposed excavation. If a proposed excavation lies adjacent or
42 parallel to an existing facility and within or partially within the 24-
43 inch area, the existing facility shall be exposed prior to beginning
44 the excavation. Once the facility is exposed and the location

1 markings are found to be correct, the excavation may proceed with
 2 mechanized equipment.

3 (3) Provide support for the underground utilities in or near the
 4 construction area, including backfill, as may be reasonably required
 5 by the utility owner for the protection of the underground utilities.

6 ~~"§ 87-105. Requirements of the person financially responsible for the excavation.~~

7 ~~The person financially responsible shall provide to the person responsible for~~
 8 ~~doing the excavating, the names of all underground utility owners in the area of the~~
 9 ~~proposed excavation. The names of the utility owners may be obtained from the~~
 10 ~~County Register of Deeds or the Building Inspection Department of the political~~
 11 ~~subdivision in which the excavating is taken place, if there is one.~~

12 "§ 87-105.1. Requirements of notification center.

13 (a) The notification center or a unit of local government that has elected not to be
 14 a member pursuant to the provisions of G.S. 87-107(a) shall, upon receiving notice of
 15 the intent to excavate, notify all utility owners whose underground lines are located
 16 in the area of the proposed excavation. The notification center or the unit of local
 17 government shall also indicate the names of those utilities being notified to the
 18 person intending to excavate.

19 (b) If the notification required by this act is made by telephone, a voice recording
 20 of the notification shall be maintained by the notification center to document
 21 compliance with the notification requirement and those records shall be maintained
 22 for at least 48 months.

23 (c) The notification center shall provide statewide operations coverage and a
 24 single, nationally accessible toll-free telephone number to receive and record the
 25 information provided by excavators and to respond to information requests from
 26 excavators. A unit of local government that has elected not to be a member pursuant
 27 to the provisions of G.S. 87-107(a) shall provide operations coverage and a single,
 28 nationally accessible toll-free telephone number to receive and record the information
 29 provided by excavators and to respond to information requests from excavators.

30 ~~"§ 87-106. Exceptions. Exemptions.~~

31 The following excavations are exempted from the notification requirements of this
 32 Article:

- 33 (1) Tilling of soil for agricultural purposes;
 34 (2) ~~Excavation by a utility owner, by the State or its subdivisions or~~
 35 ~~agencies, or by anyone contracting with any of these entities to~~
 36 ~~perform the excavation, owner or road maintenance activities by~~
 37 ~~the Department of Transportation described in G.S. 87-101(3) on~~
 38 ~~or within an easement, right-of-way, or property owned or~~
 39 ~~controlled by any of these entities, where:~~
 40 a. ~~Only the facilities of the utility owner doing the excavating~~
 41 ~~are permitted; or~~
 42 b. ~~All persons having an interest in the excavation and the~~
 43 ~~underground utilities that may be damaged during the~~
 44 ~~excavation have agreed in writing to provide the equivalent~~

1 ~~of the notification required by this Article among~~
2 ~~themselves; or~~

3 where only the facilities of the utility owner doing the excavating
4 are permitted;

5 (3) The replacement of a pole as long as the replacement pole is
6 within three feet of the original pole and within the line of existing
7 poles. This exception shall not apply to poles at highway
8 intersections or at the crossings of highways and permanently
9 marked transmission underground ~~utilities.~~ utilities; and

10 (4) In the case of an ~~emergency~~ emergency, ~~involving danger to life,~~
11 ~~health, or property requiring immediate correction, or in order to~~
12 ~~continue the operation of a major industrial plant, or in order to~~
13 ~~assure the continuity of utility services,~~ excavations immediately
14 required to repair or maintain the needed service may be made,
15 without using explosives, if notice is given to the ~~utility owner or~~
16 ~~association~~ notification center as soon as is reasonably possible;
17 except that the prohibition against the use of explosives shall not
18 apply to the North Carolina Department of Transportation.
19 Performance of emergency excavation shall not relieve the
20 ~~excavator of~~ person financially responsible from liability for
21 damages.

22 "§ 87-107. Duties of the utility owners.

23 (a) Every utility owner having underground utility lines, including units of local
24 government, shall be a member of the notification center. A unit of local
25 government may elect not to be a member of the notification center if it agrees to
26 receive notice of the intent to excavate and agrees to notify utility owners within its
27 jurisdiction.

28 (b) Each utility owner, or his designated ~~representative including an association,~~
29 representative, notified of an intent to excavate shall, before the proposed start of
30 excavating (unless another period is agreed to by the person conducting the
31 excavation and the utility owner or their representatives), provide the following
32 information to the person excavating to the extent such information is reflected by
33 records in the possession of and reasonably available to the utility owner:

34 (1) The location ~~and description~~ of all of the underground utilities
35 which may be damaged as a result of the excavation; and

36 (2) ~~The location and description of all utility markers indicating the~~
37 ~~location of the underground utilities; and~~

38 (3) Any other information that would assist in locating and avoiding
39 damage to the underground utilities, including providing
40 temporary markings when necessary indicating the location of the
41 underground utility in locations where permanent utility markers
42 do not exist.

43 "§ 87-108. Absence of utility location.

1 Should any utility owner who has been given notice pursuant to G.S. 87-102 fail to
2 respond to that notice as provided in G.S. 87-107, or fail to properly locate the
3 underground utility, then the person excavating is free to proceed with the
4 excavation. Neither the excavator nor the person financially responsible for the
5 excavation will be liable to the nonresponding or improperly responding utility owner
6 for damages to that utility owner's facilities if the person doing the excavating shall
7 exercise due care to protect existing underground utilities when there is evidence of
8 the existence of those underground utilities near the proposed excavation site.

9 **"§ 87-109. Recording requirements for ~~associations~~: the notification center.**

10 ~~An association~~ The notification center shall record with the Register of Deeds of
11 each county in which participating utility owners own or operate underground
12 utilities, a notarized document providing the telephone number and address of the
13 ~~association~~; notification center, a description of the geographical area served by the
14 ~~association~~; notification center, and a list of the names and addresses of the utility
15 owners receiving these services from the ~~association~~: notification center.

16 **"§ 87-110. Recording requirements for utility owners.**

17 (a) Each utility owner having underground utilities in North Carolina shall record
18 a notarized document containing the name of the utility owner and the title, address,
19 and telephone number of its representatives designated to receive the written or oral
20 notice of intent to excavate, with the Register of Deeds of each county in which the
21 utility owner owns or operates underground facilities. This document shall be
22 executed by an officer of the utility owner or in the case of a governmental entity, the
23 authorized official.

24 (b) Any change or modification of the information recorded by a utility owner,
25 pursuant to subsection (a) of this section, shall be made by recording the corrected
26 information with the Register of Deeds of each county to which the change or
27 modification applies, in the manner required by subsection (a) of this section within
28 five days of the change made to the utilities.

29 (c) For purposes of the recordings required by subsections (a) and (b) of this
30 section, recordings by ~~an association~~ the notification center pursuant to G.S. 87-109
31 shall satisfy the recording requirements for each utility owner who is a member of the
32 ~~association~~ notification center while that utility owner remains a member of the
33 ~~association~~: notification center.

34 (d) Upon receipt of the documents recorded pursuant to subsections (a), (b), or (c)
35 of this section, the Register of Deeds shall place the documents in the Grantor's
36 Index under the heading "Underground Utilities". The registration fee imposed by
37 Chapter 161 of the General Statutes shall apply to these documents.

38 **~~"§ 87-111. Recorded information filed with inspection departments.~~**

39 ~~A copy of any document or modification or change in the information in that~~
40 ~~document recorded pursuant to G.S. 87-109 or G.S. 87-110 shall be filed with any~~
41 ~~county or municipal inspection department having jurisdiction over any area where~~
42 ~~the underground utilities are located. Such inspection departments shall maintain~~
43 ~~these filings in alphabetical order in an accessible form.~~

44 **"§ 87-112. Color-coding.**

1 When the location of an underground utility is marked with ~~stakes~~ stakes, flags, or
2 paint, or by other physical means, pursuant to this Article, the utility owner shall use
3 temporary colored ~~markers~~ markings following the American Public Works
4 Association Uniform Color Code for Utilities.

5 "**§ 87-113. Notification required when damage done.**

6 (a) The person doing an excavation that results in any known damage to an
7 underground utility shall, immediately after the discovery of the damage, notify the
8 utility owner of the location and nature of the damage and shall allow the utility
9 owner reasonable time to repair the damage before completing the excavation in the
10 immediate area of the damaged underground utility.

11 (b) The person responsible for conducting any excavation that results in damage to
12 an underground utility where the damage may endanger life, health, or property
13 shall, immediately after the discovery of the damage, take action to protect the public
14 and property, notify the utility owner, notify the police or fire departments, and take
15 any other actions to minimize the hazards until the arrival of the utility owner's
16 personnel, the police, or the fire department. The excavator shall delay any
17 backfilling in the immediate area of the damaged underground utility until authorized
18 by the utility owner unless it is necessary to prevent injury or property damage to
19 others. Repair of any damage shall be performed by the utility owner or by qualified
20 personnel authorized by the utility owner.

21 "**§ 87-114. Homeowners.**

22 This Article does not require utility notification before a property owner digs in
23 any area on his own property with nonmechanized equipment nor prior to tilling the
24 soil for agricultural, gardening or landscaping purposes. Mechanized equipment may
25 be used, without utility notification, in any area on the owner's property with the
26 exception of recorded underground utility easements which describes the location of
27 the easement with specificity.

28 "**§ 87-115. Requests for survey locates and design locates.**

29 The information required for requests for facility locates in conjunction with
30 survey or design activities shall be the same as specified in G.S. 87-102. The utility
31 owners receiving requests for survey locate or design locate work shall respond to the
32 request within 10 working days.

33 "**§ 87-116. Civil penalties.**

34 (a) A person who violates the provisions of G.S. 87-102(a), 87-104(b), or 87-107(a)
35 is subject to a civil penalty as follows:

- 36 (1) Upon the first violation by that person, two hundred fifty dollars
37 (\$250.00);
38 (2) Upon the second violation occurring within the same 12-month
39 period as the first violation, five hundred dollars (\$500.00); and
40 (3) Upon the third violation occurring within the same 12-month
41 period as the first violation, one thousand dollars (\$1,000).

42 (b) An action under this section may be initiated by any person making a
43 complaint in writing, verifying by oath and having reason to believe that a violation
44 has occurred.

1 (c) Prosecution of violations shall be brought by the district attorney for the
2 prosecutorial district in which the violation arose or in the county in which the
3 defendant resides or in which the defendant's principal place of business is located.

4 (d) All civil penalties recovered under this section shall be remitted to the Civil
5 Penalty and Forfeiture Fund in accordance with G.S. 115C-457.2.

6 (e) The civil penalties provided for in this section do not apply to the State of
7 North Carolina or to units of local government.

8 **"§ 87-117. High-speed locate.**

9 If the utilities in conflict with a proposed excavation have been located in
10 accordance with G.S. 87-102 and a change in plans is necessitated by unforeseen
11 conditions, a request for a "high-speed locate" to be made within four hours can be
12 made for the alternate contiguous location. The high-speed locate shall be paid for
13 by the person making the request at a price established by the notification center.
14 Persons desiring to obtain high-speed locates shall register with the notification center
15 in January of each year."

16 Section 2. This act becomes effective July 1, 2000.

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1999

H

D

HOUSE BILL 1032*
Committee Substitute Favorable 4/27/99
Proposed Committee Substitute H1032-PCS2340-RL

Short Title: Underground Utility Damage Amend.

(Public)

Sponsors:

Referred to:

April 14, 1999

1 A BILL TO BE ENTITLED
2 AN ACT TO AMEND THE UNDERGROUND DAMAGE PREVENTION ACT.
3 The General Assembly of North Carolina enacts:
4 Section 1. Article 8 of Chapter 87 of the General Statutes reads as
5 rewritten:
6 "ARTICLE 8.
7 "Underground Damage Prevention.
8 "§ 87-100. Short title.
9 This Article shall be known as the "Underground Damage Prevention Act".
10 "§ 87-101. Definitions.
11 As used in this Article:
12 (1) ~~"Association" means an association, sponsored by utility owners,~~
13 ~~that will provide for receipt of notification of excavation operations~~
14 ~~in a defined geographical area, and that will maintain the records~~
15 ~~of the notifications.~~
16 (2) "Damage" includes the substantial weakening of structural or
17 lateral support of an underground utility, penetration or
18 destruction of protective coating, housing, or other protective
19 device of an underground utility, and the partial or complete
20 severance of an underground utility.
21 (2a) "Emergency" means a sudden or unexpected occurrence involving
22 an imminent danger, demanding immediate action to prevent or

- 1 mitigate loss of, or damage to, life, health, property, or essential
2 service.
- 3 (3) "Excavate" or "excavation" means an operation for the purpose of
4 the movement or removal of earth, rock, or other materials in or
5 on the ground by use of equipment operated by means of
6 mechanical power and/or an operation by which a structure or
7 mass of material is wrecked, razed, moved, or removed by means
8 of any tools, equipment, or discharge of explosives. This term
9 includes road construction but does not include road maintenance
10 activities within rights-of-way of a highway, including those
11 maintenance activities defined by the rules and regulations of the
12 North Carolina Department of Transportation.
- 13 (4) "Highway" has the meaning set out in G.S. 20-4.01 as the same
14 shall be amended from time to time.
- 15 (4a) "Inclement weather" means an act of God that creates a weather
16 condition that prevents the placement of temporary markings as
17 required by G.S. 87-102.
- 18 (5) "Location of underground utilities" means a strip of land not wider
19 than the width of the underground utility plus two and one-half (2
20 1/2) feet on either side of the underground utility.
- 21 (5a) "Member" means a utility owner who is a member of the
22 notification center established in G.S. 87-101.1.
- 23 (5b) "Notification center" means the notification center established in
24 G.S. 87-101.1.
- 25 (6) "Person" means a corporation, individual, copartnership, company,
26 association, or any combination of individuals or organizations
27 doing business as a unit, any subdivision or instrumentality of the
28 State, and includes any officer, agent, trustee, receiver, assignee,
29 lessee, or personal representative of any of the above entities.
- 30 (7) "Person financially responsible" means that person who ultimately
31 receives the benefits of any completed excavation activities,
32 including a person owning or leasing real property or holding an
33 easement or interest in an easement.
- 34 (8) "Public spaces" means any area owned by the State or any of its
35 political subdivisions or dedicated for public use.
- 36 (9) "Road construction" means the actual building of a new highway;
37 or the paving, grading, widening, relocation, reconstruction, or
38 other major improvement of a substantial portion of an existing
39 highway.
- 40 (10) "Road maintenance" means preservation, including repairs and
41 resurfacing of a highway, not amounting to road construction.
- 42 (11) "Street" has the meaning set out in G.S. 20-4.01 as the same shall
43 be amended from time to time.

- 1 (12) "Underground utility" means any underground line, system or
2 facility used for producing, storing, conveying, transmitting, or
3 distributing communication or telecommunication, electricity, gas,
4 petroleum and petroleum products, coal slurry, hazardous liquids,
5 water under pressure, steam, or sanitary sewage, but not including
6 traffic signal control cables and vehicle detection cables of the
7 North Carolina Department of Transportation.
- 8 (13) "Utility owner" means any person who owns or operates an
9 underground utility.
- 10 (14) "Work day" means every day except Saturday, Sunday, national
11 legal holidays and State legal holidays.

12 **"§ 87-101.1. Establishment of notification center.**

13 (a) Utility owners shall establish a single notification center to provide for the
14 receipt of notification of excavation operations throughout the State and to maintain
15 a database, provided by its members, that includes the geographic areas in which its
16 members desire transmissions of notices of proposed excavations, and which has the
17 capability to transmit notices of proposed excavations to its members by teletype,
18 telecopy, electronic mail, facsimile, or telephone.

19 (b) The notification center shall be operated as a nonprofit corporation, and
20 except as provided in G.S. 87-107(a), each utility owner shall be a member of that
21 corporation by using and participating in the notification system. The membership of
22 the corporation shall elect a board of directors, through which the notification center
23 shall perform its duties.

24 (c) In order to fund the operation of the notification system, the notification
25 center, through its board of directors, may assess each member an amount reflecting
26 the cost of that member's participation in the system.

27 (d) The board of directors of the notification center shall provide the Governor,
28 the President Pro Tempore of the Senate, and the Speaker of the House of
29 Representatives with an annual progress report on the operation of the notification
30 system provided for in this Article by March 1 of each year.

31 **"§ 87-102. Notice required prior to excavation.**

32 (a) Except as provided in G.S. 87-106, before commencing any excavations in
33 highways, public spaces or in private easements of a utility owner, a person planning
34 to excavate shall notify each utility owner having underground utilities located in the
35 proposed area to be excavated; the notification center or a unit of local government
36 that has elected not to be a member pursuant to the provisions of G.S. 87-107(a)
37 either orally or in writing, not less than two nor more than 10 working days prior to
38 starting, of his intent to excavate.

39 (b) The written or oral notice required in subsection (a) shall contain:

- 40 (1) The name, address, and telephone number of the person filing the
41 notice;
- 42 (2) The name, address, and telephone number of the person doing the
43 excavating;
- 44 (3) The anticipated starting date of the excavation;

- 1 (4) The anticipated duration of the excavation;
- 2 (5) The type of excavation to be conducted;
- 3 (6) The location of the proposed excavation; ~~and~~
- 4 (7) Whether or not explosives will be ~~used~~; used; ~~and~~
- 5 (8) Whether or not boring, drilling, tunneling, ramming, or punching
- 6 will take place.

7 (c) If the notice required by this section is made by telephone, an adequate record
8 shall be made ~~of the notification by the utility owners or the utility association and~~
9 ~~the person making the notification, by the notification center or the unit of local~~
10 government to document compliance with this section.

11 (d) At any time when the underground utility location markings on the ground
12 become illegible or are destroyed, the excavator shall request a remarking of the
13 underground utility locations. The utility owner shall remark the locations as soon as
14 possible after such a request, but in any event the remarking shall be completed
15 within 48 hours after the request to remark is received, barring inclement weather.

16 "**§ 87-103. Effect of permit on liability.**

17 A permit authorizing excavation operations and issued pursuant to law or
18 ordinance shall not relieve a person of the responsibility of complying with this
19 Article.

20 "**§ 87-104. Requirements of person doing excavation.**

21 (a) Except as provided in G.S. 87-106, no person may excavate in a highway, a
22 public space, or a private easement of a utility owner without first having given the
23 notice required in ~~G.S. 87-102 to the utility owners.~~ G.S. 87-102.

24 (b) In addition to the notification requirements, each person excavating shall:

- 25 (1) Plan the excavation to avoid damage and to minimize interference
26 with underground utilities in and near the construction area, to the
27 best of his ~~abilities~~; abilities.
- 28 (2) Maintain a clearance between an underground utility and the
29 cutting edge or point of any mechanized equipment, taking into
30 account the known limit of control of that cutting edge or point, as
31 is reasonably required to avoid ~~damage~~; ~~and~~ damage.
- 32 (3) Provide support for the underground utilities in or near the
33 construction area, including backfill, as may be reasonably required
34 by the utility owner for the protection of the underground utilities.

35 "~~§ 87-105. Requirements of the person financially responsible for the excavation.~~

36 ~~The person financially responsible shall provide to the person responsible for~~
37 ~~doing the excavating, the names of all underground utility owners in the area of the~~
38 ~~proposed excavation. The names of the utility owners may be obtained from the~~
39 ~~County Register of Deeds or the Building Inspection Department of the political~~
40 ~~subdivision in which the excavating is taken place, if there is one.~~

41 "**§ 87-105.1. Requirements of notification center.**

42 (a) The notification center or a unit of local government that has elected not to be
43 a member pursuant to the provisions of G.S. 87-107(a) shall, upon receiving notice of
44 the intent to excavate, notify all utility owners whose underground lines are located

1 in the area of the proposed excavation. The notification center or the unit of local
2 government shall also indicate the names of those utilities being notified to the
3 person intending to excavate.

4 (b) If the notification required by this act is made by telephone, a voice recording
5 of the notification shall be maintained by the notification center to document
6 compliance with the notification requirement and those records shall be maintained
7 for at least 48 months.

8 (c) The notification center shall provide statewide operations coverage and a
9 single, nationally accessible toll-free telephone number to receive and record the
10 information provided by excavators and to respond to information requests from
11 excavators. A unit of local government that has elected not to be a member pursuant
12 to the provisions of G.S. 87-107(a) shall provide operations coverage and a single,
13 nationally accessible toll-free telephone number to receive and record the information
14 provided by excavators and to respond to information requests from excavators.

15 **"§ 87-106. Exceptions- Exemptions.**

16 The following excavations are exempted from the notification requirements of this
17 Article:

- 18 (1) Tilling of soil for agricultural purposes;
- 19 (2) Excavation by a utility owner, ~~by the State or its subdivisions or~~
20 ~~agencies, or by anyone contracting with any of these entities to~~
21 ~~perform the excavation; owner or road maintenance activities by~~
22 ~~the Department of Transportation described in G.S. 87-101(3) on~~
23 ~~or within an easement, right-of-way, or property owned or~~
24 ~~controlled by any of these entities, where:~~
25 ~~a. Only the facilities of the utility owner doing the excavating~~
26 ~~are permitted; or~~
27 ~~b. All persons having an interest in the excavation and the~~
28 ~~underground utilities that may be damaged during the~~
29 ~~excavation have agreed in writing to provide the equivalent~~
30 ~~of the notification required by this Article among~~
31 ~~themselves; or~~
32 where only the facilities of the utility owner doing the excavating
33 are permitted;
- 34 (3) The replacement of a pole as long as the replacement pole is
35 within three feet of the original pole and within the line of existing
36 poles. This exception shall not apply to poles at highway
37 intersections or at the crossings of highways and permanently
38 marked transmission underground ~~utilities; utilities; and~~
- 39 (4) In the case of an ~~emergency~~ emergency, involving ~~danger to life,~~
40 ~~health, or property requiring immediate correction, or in order to~~
41 ~~continue the operation of a major industrial plant, or in order to~~
42 ~~assure the continuity of utility services;~~ excavations immediately
43 required to repair or maintain the needed service may be made,
44 without using explosives, if notice is given to the ~~utility owner or~~

1 ~~association~~ notification center as soon as is reasonably possible;
2 except that the prohibition against the use of explosives shall not
3 apply to the North Carolina Department of Transportation.
4 Performance of emergency excavation shall not relieve the
5 ~~excavator~~ of person financially responsible from liability for
6 damages.

7 "§ 87-107. Duties of the utility owners.

8 (a) Every utility owner having underground utility lines, including units of local
9 government, shall be a member of the notification center. A unit of local
10 government may elect not to be a member of the notification center if it agrees to
11 receive notice of the intent to excavate and agrees to notify utility owners within its
12 jurisdiction.

13 (b) Each utility owner, or his designated ~~representative including an association,~~
14 ~~representative,~~ notified of an intent to excavate shall, before the proposed start of
15 excavating (unless another period is agreed to by the person conducting the
16 excavation and the utility owner or their representatives), provide the following
17 information to the person excavating to the extent such information is reflected by
18 records in the possession of and reasonably available to the utility owner:

- 19 (1) The location ~~and description~~ of all of the underground utilities
20 which may be damaged as a result of the excavation; and
21 ~~(2) The location and description of all utility markers indicating the~~
22 ~~location of the underground utilities; and~~
23 (3) Any other information that would assist in locating and avoiding
24 damage to the underground utilities, including providing
25 temporary markings when necessary indicating the location of the
26 underground utility in locations where permanent utility markers
27 do not exist.

28 "§ 87-108. Absence of utility location.

29 Should any utility owner who has been given notice pursuant to G.S. 87-102 fail to
30 respond to that notice as provided in G.S. 87-107, or fail to properly locate the
31 underground utility, then the person excavating is free to proceed with the
32 excavation. Neither the excavator nor the person financially responsible for the
33 excavation will be liable to the nonresponding or improperly responding utility owner
34 for damages to that utility owner's facilities if the person doing the excavating shall
35 exercise due care to protect existing underground utilities when there is evidence of
36 the existence of those underground utilities near the proposed excavation site.

37 "§ 87-109. Recording requirements for ~~associations; the notification center.~~

38 ~~An association~~ The notification center shall record with the Register of Deeds of
39 each county in which participating utility owners own or operate underground
40 utilities, a notarized document providing the telephone number and address of the
41 ~~association; notification center,~~ a description of the geographical area served by the
42 ~~association; notification center,~~ and a list of the names and addresses of the utility
43 owners receiving these services from the ~~association; notification center.~~

44 "§ 87-110. Recording requirements for utility owners.

1 (a) Each utility owner having underground utilities in North Carolina shall record
2 a notarized document containing the name of the utility owner and the title, address,
3 and telephone number of its representatives designated to receive the written or oral
4 notice of intent to excavate, with the Register of Deeds of each county in which the
5 utility owner owns or operates underground facilities. This document shall be
6 executed by an officer of the utility owner or in the case of a governmental entity, the
7 authorized official.

8 (b) Any change or modification of the information recorded by a utility owner,
9 pursuant to subsection (a) of this section, shall be made by recording the corrected
10 information with the Register of Deeds of each county to which the change or
11 modification applies, in the manner required by subsection (a) of this section within
12 five days of the change made to the utilities.

13 (c) For purposes of the recordings required by subsections (a) and (b) of this
14 section, recordings by ~~an association~~ the notification center pursuant to G.S. 87-109
15 shall satisfy the recording requirements for each utility owner who is a member of the
16 ~~association~~ notification center while that utility owner remains a member of the
17 ~~association~~ notification center.

18 (d) Upon receipt of the documents recorded pursuant to subsections (a), (b), or (c)
19 of this section, the Register of Deeds shall place the documents in the Grantor's
20 Index under the heading "Underground Utilities". The registration fee imposed by
21 Chapter 161 of the General Statutes shall apply to these documents.

22 ~~"§ 87-111. Recorded information filed with inspection departments:~~

23 ~~A copy of any document or modification or change in the information in that~~
24 ~~document recorded pursuant to G.S. 87-109 or G.S. 87-110 shall be filed with any~~
25 ~~county or municipal inspection department having jurisdiction over any area where~~
26 ~~the underground utilities are located. Such inspection departments shall maintain~~
27 ~~these filings in alphabetical order in an accessible form.~~

28 **"§ 87-112. Color-coding.**

29 When the location of an underground utility is marked with ~~stakes~~ stakes, flags, or
30 paint, or by other physical means, pursuant to this Article, the utility owner shall use
31 temporary colored ~~markers~~ markings following the American Public Works
32 Association Uniform Color Code for Utilities.

33 **"§ 87-113. Notification required when damage done.**

34 (a) The person doing an excavation that results in any known damage to an
35 underground utility shall, immediately after the discovery of the damage, notify the
36 utility owner of the location and nature of the damage and shall allow the utility
37 owner reasonable time to repair the damage before completing the excavation in the
38 immediate area of the damaged underground utility.

39 (b) The person responsible for conducting any excavation that results in damage to
40 an underground utility where the damage may endanger life, health, or property
41 shall, immediately after the discovery of the damage, take action to protect the public
42 and property, notify the utility owner, notify the police or fire departments, and take
43 any other actions to minimize the hazards until the arrival of the utility owner's
44 personnel, the police, or the fire department. The excavator shall delay any

1 backfilling in the immediate area of the damaged underground utility until authorized
2 by the utility owner unless it is necessary to prevent injury or property damage to
3 others. Repair of any damage shall be performed by the utility owner or by qualified
4 personnel authorized by the utility owner.

5 **"§ 87-114. Homeowners.**

6 This Article does not require utility notification before a property owner digs in
7 any area on his own property with nonmechanized equipment nor prior to tilling the
8 soil for agricultural, gardening or landscaping purposes. Mechanized equipment may
9 be used, without utility notification, in any area on the owner's property with the
10 exception of recorded underground utility easements which describes the location of
11 the easement with specificity.

12 **"§ 87-115. Requests for survey locates and design locates.**

13 The information required for requests for facility locates in conjunction with
14 survey or design activities shall be the same as specified in G.S. 87-102. The utility
15 owners receiving requests for survey locate or design locate work shall respond to the
16 request within 10 working days.

17 **"§ 87-116. Civil penalties.**

18 (a) A person who violates the provisions of G.S. 87-102(a), 87-104(b), or 87-107(a)
19 is subject to a civil penalty as follows:

- 20 (1) Upon the first violation by that person, two hundred fifty dollars
21 (\$250.00);
22 (2) Upon the second violation occurring within the same 12-month
23 period as the first violation, five hundred dollars (\$500.00); and
24 (3) Upon the third violation occurring within the same 12-month
25 period as the first violation, one thousand dollars (\$1,000).

26 (b) An action under this section may be initiated by any person making a
27 complaint in writing, verifying by oath and having reason to believe that a violation
28 has occurred.

29 (c) Prosecution of violations shall be brought by the district attorney for the
30 prosecutorial district in which the violation arose or in the county in which the
31 defendant resides or in which the defendant's principal place of business is located.

32 (d) All civil penalties recovered under this section shall be remitted to the Civil
33 Penalty and Forfeiture Fund in accordance with G.S. 115C-457.2.

34 (e) The civil penalties provided for in this section do not apply to the State of
35 North Carolina or to units of local government."

36 Section 2. This act becomes effective July 1, 2000.

**1999 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES**

The following report(s) from standing committee(s) is/are presented:

By Representative(s) **CULPEPPER** for the Committee on **RULES, CALENDAR AND OPERATIONS OF THE HOUSE.**

- Committee Substitute #1 for
H.B. 1032 A BILL TO BE ENTITLED AN ACT TO AMEND THE UNDERGROUND
DAMAGE PREVENTION ACT.
- With a favorable report.
- With a favorable report and recommendation that the bill be re-referred to the Committee on
Appropriations Finance .
- With a favorable report, as amended.
- With a favorable report, as amended, and recommendation that the bill be re-referred to the
Committee on Appropriations Finance .
- Without prejudice as to committee substitute bill #2, unfavorable as to Committee Substitute
Bill # 1.
- With a favorable report as to House committee substitute bill (#), which changes
the title, unfavorable as to Senate committee substitute bill.
- With an unfavorable report.
- With recommendation that the House concur.
- With recommendation that the House do not concur.
- With recommendation that the House do not concur; request conferees.
- With recommendation that the House concur; committee believes bill to be material.
- With an unfavorable report, with a Minority Report attached.
- Without prejudice.
- With an indefinite postponement report.
- With an indefinite postponement report, with a Minority Report attached.
- With recommendation that it be adopted. (HOUSE RESOLUTION ONLY)

2/24/99

VISITOR REGISTRATION SHEET

RULES, CALENDAR AND OPERATIONS OF THE HOUSE-APRIL 29, 1999

Name of Committee

Date

VISITORS: PLEASE SIGN BELOW AND RETURN TO COMMITTEE CLERK

<u>NAME</u>	<u>FIRM OR AGENCY AND ADDRESS</u>
Michael Crowell	NC SA CHATHAM COUNTY
Steve Woodson	NC Farm Bureau
C. Marshall Lindsay	Jordan Price
John Bowditch	Zeb Alley P.A.
OTHELLO TILSON	NCTTA
Michelle Cook	Weyerhaeuser
Lisa Perry	Capitol Group
Glen Peterson	Dept of Administration
Hal Miller	NC AECT
Norm Mumbert	Payson + Smith
Mattie English	NC Business Council
Ken Kayler	Kayler Law Firm
C. Porter	BBA
Jon Wilson	NCARTCF.
John McMillan	MFS
SAM JOHNSON	ATTY
HAROLD Webb	the News miller
Samuel Williams	NCCF
Alvin Garland	Electricities
Frank Orth	JD, Att Paul
BILL SCOGGIN	NC BAR ASSOC.
Richard O'Brien	PFFDNC
John Kurt	NCFAC
Kevin Faulk	Governor's office
Andy Romant	N.C.L.M.
David Knight	NC State Club, NC Wildlife Fed
Net med	CPNE
Rev Azrock	County Comm. Association

AGENDA

**HOUSE COMMITTEE ON RULES, CALENDAR AND
OPERATIONS OF THE HOUSE**

**May 5 1999
Room 421 LOB
1:00 PM**

OPENING REMARKS

Representative Culpepper, Chairman

CONSIDERATION OF BILLS

ACTION TAKEN ON BILLS

ADJOURNMENT

MINUTES OF THE COMMITTEE ON RULES, CALENDAR AND OPERATIONS OF THE
HOUSE

May 5, 1999

The Committee on Rules, Calendar and Operations of the House met on May 5, 1999 at 1:00 p.m. in Room 421 of the Legislative Office Building. The following members were present: Representatives Culpepper, Chairman; Hackney, Vice Chairman; Alexander, Crawford, Gibson, Gulley, Hill, Jarrell, Luebke, McCombs, Nye, Yongue and Cunningham, ex officio.

The following bills were considered:

COMMITTEE SUBSTITUTE FOR SENATE BILL 1039-AN ACT TO ESTABLISH A NEW MULTICAMPUS COMMUNITY COLLEGE TO SERVE ANSON AND UNION COUNTIES. Senator Plyler, the bill sponsor, was recognized to explain the bill. An amendment was sent forth by Representative Gibson who moved for its adoption. The motion carried. Martin Lancaster, President of the Community College System, was recognized and spoke in favor of the bill. Representative Gibson moved for a favorable report of the committee substitute, as amended. The motion passed.

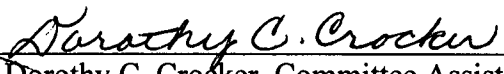
SENATE JOINT RESOLUTION 416-A JOINT RESOLUTION HONORING THE LIFE AND MEMORY OF SAMUEL ASHE FOR WHOM ASHE COUNTY IS NAMED UPON THE COUNTY'S BICENTENNIAL CELEBRATION sponsored by Senator Foxx. Representative Luebke made a motion that the resolution be given a favorable report. The motion passed.

At the request of the chairman Representative Luebke made a motion that the following blank bills listed with their short titles be postponed indefinitely. The motion passed:

House Bill 66-Columbus County Local Act-1.
House Bill 81-Municipalities in 32nd House District.
House Bill 82-Municipalities in 32nd House District.
House Bill 83-Municipalities in 32nd House District.
House Bill 84-Montgomery Local Act.
House Bill 85-Scotland Local Act.
House Bill 86-Richmond Local Act.
House Bill 88-Scotland Local Act.
House Bill 123-Municipalities in 52nd House Dist.
House Bill 439-Hyde County Local Act.
House Bill 292-Royall Children's Vision program.
House Bill 562-Royall Children's Vision program.

There being no further business, the meeting adjourned at 125 p.m.


Representative Bill Culpepper, Chairman


Dorothy C. Crocker, Committee Assistant

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1999

S

2

SENATE BILL 1039

State and Local Government Committee Substitute Adopted 4/28/99

Short Title: Anson-Union Comm. Coll. Established.

(Public)

Sponsors:

Referred to:

April 15, 1999

1 A BILL TO BE ENTITLED
2 AN ACT TO ESTABLISH A NEW MULTICAMPUS COMMUNITY COLLEGE
3 TO SERVE ANSON AND UNION COUNTIES.

4 The General Assembly of North Carolina enacts:

5 Section 1. There is established a new multicampus community college to
6 serve the multiple-county administrative area of Anson and Union Counties. The
7 initial board of trustees of the new college, which is appointed as provided in Section
8 2 of this act, shall select the name of the college.

9 Section 2. Notwithstanding G.S. 115D-12(a) and G.S. 115D-59, effective
10 July 1, 1999, the initial board of trustees of the new college shall consist of 14
11 members appointed or elected as follows:

- 12 (1) Two residents of Anson County appointed by the Governor;
13 (2) Two residents of Union County appointed by the Governor;
14 (3) Two members elected by the Anson County Board of Education;
15 (4) Two members elected by the Union County Board of Education;
16 (5) Two members elected by the Anson County Commissioners;
17 (6) Three members elected by the Union County Commissioners; and
18 (7) The president of the student government or the chairman of the
19 executive board of the student body of the community college, who
20 shall serve as an ex officio nonvoting member.

21 The initial terms of one member appointed pursuant to subdivision (1) of
22 this section, one member elected pursuant to subdivision (3), and one member
23 elected pursuant to subdivision (6), shall expire June 30, 2001. The initial terms of

1 one member appointed pursuant to subdivision (2) of this section, one member
2 elected pursuant to subdivision (5), and one member elected pursuant to subdivision
3 (6), shall expire June 30, 2002. The initial terms of one member appointed pursuant
4 to subdivision (1) of this section, one member elected pursuant to subdivision (3), and
5 one member elected pursuant to subdivision (4), shall expire June 30, 2003. The
6 initial terms of one member appointed pursuant to subdivision (2) of this section, one
7 member elected pursuant to subdivision (4), one member elected pursuant to
8 subdivision (5), and one member elected pursuant to subdivision (6), shall expire
9 June 30, 2004. Subsequent terms of office shall expire four years after appointment.

10 Section 3. Anson Community College is abolished. All functions,
11 powers, duties, and obligations previously vested in Anson Community College are
12 transferred to and vested in the new community college. The Anson County Board
13 of Trustees shall serve as the board of trustees for the new college until the new
14 board of trustees is appointed and qualified. The board of trustees for the new
15 community college shall seek the transfer of the regional accreditation for Anson
16 Community College to the new community college through the substantive change
17 process of the Southern Association of Colleges and Schools.

18 Section 4. The State Board of Community Colleges may authorize the
19 use of funds in the Anson-Union Community College Reserve to begin the operation
20 of the new community college prior to July 1, 1999. Effective July 1, 1999, it is the
21 intent of the General Assembly that the State Board repay the Reserve with funds
22 appropriated for the operation of the new community college and that these funds
23 remain available for expenditure for the new community college.

24 Section 5. This act is effective when it becomes law.

NORTH CAROLINA GENERAL ASSEMBLY AMENDMENT

(Please type or use ballpoint pen)

EDITION No. _____

H. B. No. _____

DATE 4/5/99

S. B. No. 1039

Amendment No. 1

(to be filled in by
Principal Clerk)

COMMITTEE SUBSTITUTE

Rep.) Phyllis Gwinn
Sen.) _____

1 moves to amend the bill on page 2, line 12

2 () WHICH CHANGES THE TITLE

3 by _____

4 deleting "County" and inserting

5 "Community College".

7 _____

8 _____

9 _____

10 _____

11 _____

12 _____

13 _____

14 _____

15 _____

16 _____

17 _____

18 _____

19 _____

SIGNED [Signature]

ADOPTED 104-0 ed FAILED _____ TABLED _____

5/6/99 R. Wick

**1999 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES**

The following report(s) from standing committee(s) is/are presented:

By Representative(s) **CULPEPPER** for the Committee on **RULES, CALENDAR AND OPERATIONS OF THE HOUSE.**

- Committee Substitute for
S.B. 1039 A BILL TO BE ENTITLED AN ACT TO ESTABLISH A NEW
MULTICAMPUS COMMUNITY COLLEGE TO SERVE ANSON AND UNION
COUNTIES.
- With a favorable report.
- With a favorable report and recommendation that the bill be re-referred to the Committee on
Appropriations Finance .
- With a favorable report, as amended.
- With a favorable report, as amended, and recommendation that the bill be re-referred to the
Committee on Appropriations Finance .
- With a favorable report as to committee substitute bill (#), which changes the title,
unfavorable as to (original bill) (Committee Substitute Bill #), (and recommendation
that the committee substitute bill #) be re-referred to the Committee on .)
- With a favorable report as to House committee substitute bill (#), which changes
the title, unfavorable as to Senate committee substitute bill.
- With an unfavorable report.
- With recommendation that the House concur.
- With recommendation that the House do not concur.
- With recommendation that the House do not concur; request conferees.
- With recommendation that the House concur; committee believes bill to be material.
- With an unfavorable report, with a Minority Report attached.
- Without prejudice.
- With an indefinite postponement report.
- With an indefinite postponement report, with a Minority Report attached.
- With recommendation that it be adopted. (HOUSE RESOLUTION ONLY)

2/24/99

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1999

S

1

SENATE JOINT RESOLUTION 416

Sponsors: Senators Foxx, East; Ballance, Basnight, Carrington, Carter, Clodfelter, Cochrane, Dalton, Forrester, Garrou, Garwood, Hagan, Harris, Hartsell, Horton, Hoyle, Kinnaird, Lucas, Metcalf, Miller, Moore, Odom, Phillips, Plyler, Purcell, Rand, Reeves, Robinson, Rucho, Shaw of Cumberland, Shaw of Guilford, Warren, Weinstein, and Wellons.

Referred to: Rules and Operations of the Senate.

March 18, 1999

1 A JOINT RESOLUTION HONORING THE LIFE AND MEMORY OF SAMUEL
2 ASHE FOR WHOM ASHE COUNTY IS NAMED UPON THE COUNTY'S
3 BICENTENNIAL CELEBRATION.

4 Whereas, Ashe County was formed from Wilkes County in May of 1799;
5 and

6 Whereas, Ashe County was named for Samuel Ashe who was a
7 revolutionary patriot, superior court judge, and Governor of North Carolina from
8 1795 to 1798; and

9 Whereas, Ashe County is known for its beautiful scenic environment,
10 agriculture and livestock, and dairy, furniture, electronic, mineral, and textile
11 products; and

12 Whereas, the citizens of Ashe County have been actively preparing for
13 the County's bicentennial celebration; and

14 Whereas, Ashe County's bicentennial celebration is worthy of celebration
15 and should be enjoyed and supported by all of North Carolina's citizens; Now,
16 therefore,

17 Be it resolved by the Senate, the House of Representatives concurring:

18 Section 1. The General Assembly honors the life and memory of Samuel
19 Ashe and urges the citizens of this State to participate in activities commemorating
20 the 200th anniversary of Ashe County.

21 Section 2. The Secretary of State shall transmit a certified copy of this
22 resolution to the Chair of the Ashe County Board of Commissioners.

1

Section 3. This resolution is effective upon ratification.

**1999 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES**

The following report(s) from standing committee(s) is/are presented:

By Representative(s) **CULPEPPER** for the Committee on **RULES, CALENDAR AND OPERATIONS OF THE HOUSE.**

- Committee Substitute for
S.J.R. 416 A JOINT RESOLUTION HONORING THE LIFE AND MEMORY OF
SAMUEL ASHE FOR WHOM ASHE COUNTY IS NAMED UPON THE COUNTY'S
BICENTENNIAL CELEBRATION.
- With a favorable report.
- With a favorable report and recommendation that the bill be re-referred to the Committee on
Appropriations Finance .
- With a favorable report, as amended.
- With a favorable report, as amended, and recommendation that the bill be re-referred to the
Committee on Appropriations Finance .
- With a favorable report as to committee substitute bill (#), which changes the title,
unfavorable as to (original bill) (Committee Substitute Bill #), (and recommendation
that the committee substitute bill #) be re-referred to the Committee on .)
- With a favorable report as to House committee substitute bill (#), which changes
the title, unfavorable as to Senate committee substitute bill.
- With an unfavorable report.
- With recommendation that the House concur.
- With recommendation that the House do not concur.
- With recommendation that the House do not concur; request conferees.
- With recommendation that the House concur; committee believes bill to be material.
- With an unfavorable report, with a Minority Report attached.
- Without prejudice.
- With an indefinite postponement report.
- With an indefinite postponement report, with a Minority Report attached.
- With recommendation that it be adopted. (HOUSE RESOLUTION ONLY)

2/24/99

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1999

H

1

HOUSE BILL 66

Short Title: Columbus County Local Act-1.

(Local)

Sponsors: Representative Hill.

Referred to: Local Government I.

February 11, 1999

- 1 A BILL TO BE ENTITLED
- 2 AN ACT RELATING TO COLUMBUS COUNTY.
- 3 The General Assembly of North Carolina enacts:
- 4 Section 1. This act relates to Columbus County only.
- 5 Section 2. This act is effective when it becomes law.

**1999 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES**

The following report(s) from standing committee(s) is/are presented:

By Representative(s) **CULPEPPER** for the Committee on **RULES, CALENDAR AND OPERATIONS OF THE HOUSE.**

- Committee Substitute for
H.B. 66 / A BILL TO BE ENTITLED AN ACT RELATING TO COLUMBUS COUNTY.
- With a favorable report.
- With a favorable report and recommendation that the bill be re-referred to the Committee on Appropriations Finance .
- With a favorable report, as amended.
- With a favorable report, as amended, and recommendation that the bill be re-referred to the Committee on Appropriations Finance .
- With a favorable report as to committee substitute bill (#), which changes the title, unfavorable as to (original bill) (Committee Substitute Bill #), (and recommendation that the committee substitute bill #) be re-referred to the Committee on .
- With a favorable report as to House committee substitute bill (#), which changes the title, unfavorable as to Senate committee substitute bill.
- With an unfavorable report.
- With recommendation that the House concur.
- With recommendation that the House do not concur.
- With recommendation that the House do not concur; request conferees.
- With recommendation that the House concur; committee believes bill to be material.
- With an unfavorable report, with a Minority Report attached.
- Without prejudice.
- With an indefinite postponement report.
- With an indefinite postponement report, with a Minority Report attached.
- With recommendation that it be adopted. (HOUSE RESOLUTION ONLY)

2/24/99

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1999

H

1

HOUSE BILL 81

Short Title: Municipalities in 32nd House District.

(Local)

Sponsors: Representative Goodwin.

Referred to: Local Government I.

February 16, 1999

- 1 A BILL TO BE ENTITLED
2 AN ACT RELATING TO MUNICIPALITIES IN THE 32ND HOUSE DISTRICT.
3 The General Assembly of North Carolina enacts:
4 Section 1. This act relates to municipalities in the 32nd House District.
5 Section 2. This act is effective when it becomes law.

**1999 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES**

The following report(s) from standing committee(s) is/are presented:

By Representative(s) **CULPEPPER** for the Committee on **RULES, CALENDAR AND OPERATIONS OF THE HOUSE.**

Committee Substitute for
H.B. 81 A BILL TO BE ENTITLED AN ACT RELATING TO MUNICIPALITIES IN THE
32ND HOUSE DISTRICT.

- With a favorable report.
- With a favorable report and recommendation that the bill be re-referred to the Committee on Appropriations Finance .
- With a favorable report, as amended.
- With a favorable report, as amended, and recommendation that the bill be re-referred to the Committee on Appropriations Finance .
- With a favorable report as to committee substitute bill (#), which changes the title, unfavorable as to (original bill) (Committee Substitute Bill #), (and recommendation that the committee substitute bill #) be re-referred to the Committee on .)
- With a favorable report as to House committee substitute bill (#), which changes the title, unfavorable as to Senate committee substitute bill.
- With an unfavorable report.
- With recommendation that the House concur.
- With recommendation that the House do not concur.
- With recommendation that the House do not concur; request conferees.
- With recommendation that the House concur; committee believes bill to be material.
- With an unfavorable report, with a Minority Report attached.
- Without prejudice.
- With an indefinite postponement report.
- With an indefinite postponement report, with a Minority Report attached.
- With recommendation that it be adopted. (HOUSE RESOLUTION ONLY)

2/24/99

**1999 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES**

The following report(s) from standing committee(s) is/are presented:

By Representative(s) **CULPEPPER** for the Committee on **RULES, CALENDAR AND OPERATIONS OF THE HOUSE.**

Committee Substitute for
H.B. 82 A BILL TO BE ENTITLED AN ACT RELATING TO MUNICIPALITIES IN THE
32ND HOUSE DISTRICT.

With a favorable report.

With a favorable report and recommendation that the bill be re-referred to the Committee on
Appropriations Finance .

With a favorable report, as amended.

With a favorable report, as amended, and recommendation that the bill be re-referred to the
Committee on Appropriations Finance .

With a favorable report as to committee substitute bill (#), which changes the title,
unfavorable as to (original bill) (Committee Substitute Bill #), (and recommendation
that the committee substitute bill #) be re-referred to the Committee on .)

With a favorable report as to House committee substitute bill (#), which changes
the title, unfavorable as to Senate committee substitute bill.

With an unfavorable report.

With recommendation that the House concur.

With recommendation that the House do not concur.

With recommendation that the House do not concur; request conferees.

With recommendation that the House concur; committee believes bill to be material.

With an unfavorable report, with a Minority Report attached.

Without prejudice.

With an indefinite postponement report.

With an indefinite postponement report, with a Minority Report attached.

With recommendation that it be adopted. (HOUSE RESOLUTION ONLY)

2/24/99

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1999

H

1

HOUSE BILL 83

Short Title: Municipalities in 32nd House District.

(Local)

Sponsors: Representative Goodwin.

Referred to: Local Government I.

February 16, 1999

- 1 A BILL TO BE ENTITLED
2 AN ACT RELATING TO MUNICIPALITIES IN THE 32ND HOUSE DISTRICT.
3 The General Assembly of North Carolina enacts:
4 Section 1. This act relates to municipalities in the 32nd House District.
5 Section 2. This act is effective when it becomes law.

**1999 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES**

The following report(s) from standing committee(s) is/are presented:

By Representative(s) **CULPEPPER** for the Committee on **RULES, CALENDAR AND OPERATIONS OF THE HOUSE.**

Committee Substitute for
H.B. 83 A BILL TO BE ENTITLED AN ACT RELATING TO MUNICIPALITIES IN THE
32ND HOUSE DISTRICT.

- With a favorable report.
- With a favorable report and recommendation that the bill be re-referred to the Committee on Appropriations Finance .
- With a favorable report, as amended.
- With a favorable report, as amended, and recommendation that the bill be re-referred to the Committee on Appropriations Finance .
- With a favorable report as to committee substitute bill (#), which changes the title, unfavorable as to (original bill) (Committee Substitute Bill #), (and recommendation that the committee substitute bill #) be re-referred to the Committee on .)
- With a favorable report as to House committee substitute bill (#), which changes the title, unfavorable as to Senate committee substitute bill.
- With an unfavorable report.
- With recommendation that the House concur.
- With recommendation that the House do not concur.
- With recommendation that the House do not concur; request conferees.
- With recommendation that the House concur; committee believes bill to be material.
- With an unfavorable report, with a Minority Report attached.
- Without prejudice.
- With an indefinite postponement report.
- With an indefinite postponement report, with a Minority Report attached.
- With recommendation that it be adopted. (HOUSE RESOLUTION ONLY)

2/24/99

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1999

H

1

HOUSE BILL 84

Short Title: Montgomery Local Act.

(Local)

Sponsors: Representative Goodwin.

Referred to: Local Government I.

February 16, 1999

- 1 **A BILL TO BE ENTITLED**
2 **AN ACT RELATING TO MONTGOMERY COUNTY.**
3 **The General Assembly of North Carolina enacts:**
4 **Section 1. This act relates to Montgomery County only.**
5 **Section 2. This act is effective when it becomes law.**

**1999 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES**

The following report(s) from standing committee(s) is/are presented:

By Representative(s) **CULPEPPER** for the Committee on **RULES, CALENDAR AND OPERATIONS OF THE HOUSE.**

Committee Substitute for

H.B. 84 A BILL TO BE ENTITLED AN ACT RELATING TO MONTGOMERY COUNTY.

With a favorable report.

With a favorable report and recommendation that the bill be re-referred to the Committee on Appropriations Finance .

With a favorable report, as amended.

With a favorable report, as amended, and recommendation that the bill be re-referred to the Committee on Appropriations Finance .

With a favorable report as to committee substitute bill (#), which changes the title, unfavorable as to (original bill) (Committee Substitute Bill #), (and recommendation that the committee substitute bill #) be re-referred to the Committee on .)

With a favorable report as to House committee substitute bill (#), which changes the title, unfavorable as to Senate committee substitute bill.

With an unfavorable report.

With recommendation that the House concur.

With recommendation that the House do not concur.

With recommendation that the House do not concur; request conferees.

With recommendation that the House concur; committee believes bill to be material.

With an unfavorable report, with a Minority Report attached.

Without prejudice.

With an indefinite postponement report.

With an indefinite postponement report, with a Minority Report attached.

With recommendation that it be adopted. (HOUSE RESOLUTION ONLY)

2/24/99

**1999 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES**

The following report(s) from standing committee(s) is/are presented:

By Representative(s) **CULPEPPER** for the Committee on **RULES, CALENDAR AND
OPERATIONS OF THE HOUSE.**

Committee Substitute for

H.B. 85 A BILL TO BE ENTITLED AN ACT RELATING TO SCOTLAND COUNTY.

With a favorable report.

With a favorable report and recommendation that the bill be re-referred to the Committee on Appropriations Finance .

With a favorable report, as amended.

With a favorable report, as amended, and recommendation that the bill be re-referred to the Committee on Appropriations Finance .

With a favorable report as to committee substitute bill (#), which changes the title, unfavorable as to (original bill) (Committee Substitute Bill #), (and recommendation that the committee substitute bill #) be re-referred to the Committee on .)

With a favorable report as to House committee substitute bill (#), which changes the title, unfavorable as to Senate committee substitute bill.

With an unfavorable report.

With recommendation that the House concur.

With recommendation that the House do not concur.

With recommendation that the House do not concur; request conferees.

With recommendation that the House concur; committee believes bill to be material.

With an unfavorable report, with a Minority Report attached.

Without prejudice.

With an indefinite postponement report.

With an indefinite postponement report, with a Minority Report attached.

With recommendation that it be adopted. (HOUSE RESOLUTION ONLY)

2/24/99

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1999

H

1

HOUSE BILL 86

Short Title: Richmond Local Act.

(Local)

Sponsors: Representative Goodwin.

Referred to: Local Government II.

February 16, 1999

- 1 A BILL TO BE ENTITLED
2 AN ACT RELATING TO RICHMOND COUNTY.
3 The General Assembly of North Carolina enacts:
4 Section 1. This act relates to Richmond County only.
5 Section 2. This act is effective when it becomes law.

**1999 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES**

The following report(s) from standing committee(s) is/are presented:

By Representative(s) **CULPEPPER** for the Committee on **RULES, CALENDAR AND OPERATIONS OF THE HOUSE.**

- Committee Substitute for
H.B. 86 A BILL TO BE ENTITLED AN ACT RELATING TO RICHMOND COUNTY.
- With a favorable report.
- With a favorable report and recommendation that the bill be re-referred to the Committee on Appropriations Finance .
- With a favorable report, as amended.
- With a favorable report, as amended, and recommendation that the bill be re-referred to the Committee on Appropriations Finance .
- With a favorable report as to committee substitute bill (#), which changes the title, unfavorable as to (original bill) (Committee Substitute Bill #), (and recommendation that the committee substitute bill #) be re-referred to the Committee on .)
- With a favorable report as to House committee substitute bill (#), which changes the title, unfavorable as to Senate committee substitute bill.
- With an unfavorable report.
- With recommendation that the House concur.
- With recommendation that the House do not concur.
- With recommendation that the House do not concur; request conferees.
- With recommendation that the House concur; committee believes bill to be material.
- With an unfavorable report, with a Minority Report attached.
- Without prejudice.
- With an indefinite postponement report.
- With an indefinite postponement report, with a Minority Report attached.
- With recommendation that it be adopted. (HOUSE RESOLUTION ONLY)

2/24/99

**1999 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES**

The following report(s) from standing committee(s) is/are presented:

By Representative(s) **CULPEPPER** for the Committee on **RULES, CALENDAR AND OPERATIONS OF THE HOUSE.**

- Committee Substitute for
H.B. 88 A BILL TO BE ENTITLED AN ACT RELATING TO SCOTLAND COUNTY.
- With a favorable report.
- With a favorable report and recommendation that the bill be re-referred to the Committee on Appropriations Finance .
- With a favorable report, as amended.
- With a favorable report, as amended, and recommendation that the bill be re-referred to the Committee on Appropriations Finance .
- With a favorable report as to committee substitute bill (#), which changes the title, unfavorable as to (original bill) (Committee Substitute Bill #), (and recommendation that the committee substitute bill #) be re-referred to the Committee on .)
- With a favorable report as to House committee substitute bill (#), which changes the title, unfavorable as to Senate committee substitute bill.
- With an unfavorable report.
- With recommendation that the House concur.
- With recommendation that the House do not concur.
- With recommendation that the House do not concur; request conferees.
- With recommendation that the House concur; committee believes bill to be material.
- With an unfavorable report, with a Minority Report attached.
- Without prejudice.
- With an indefinite postponement report.
- With an indefinite postponement report, with a Minority Report attached.
- With recommendation that it be adopted. (HOUSE RESOLUTION ONLY)

2/24/99

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1999

H

1

HOUSE BILL 123

Short Title: Municipalities in 52nd House Dist.

(Local)

Sponsors: Representative Haire.

Referred to: Local Government II.

February 23, 1999

1 **A BILL TO BE ENTITLED**
2 **AN ACT RELATING TO MUNICIPALITIES IN THE 52ND HOUSE DISTRICT.**
3 **The General Assembly of North Carolina enacts:**
4 **Section 1. This act relates to municipalities in the 52nd House District.**
5 **Section 2. This act is effective when it becomes law.**

**1999 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES**

The following report(s) from standing committee(s) is/are presented:

By Representative(s) **CULPEPPER** for the Committee on **RULES, CALENDAR AND OPERATIONS OF THE HOUSE.**

Committee Substitute for
H.B. 123 A BILL TO BE ENTITLED AN ACT RELATING TO MUNICIPALITIES IN
THE 52ND HOUSE DISTRICT.

- With a favorable report.
- With a favorable report and recommendation that the bill be re-referred to the Committee on Appropriations Finance .
- With a favorable report, as amended.
- With a favorable report, as amended, and recommendation that the bill be re-referred to the Committee on Appropriations Finance .
- With a favorable report as to committee substitute bill (#), which changes the title, unfavorable as to (original bill) (Committee Substitute Bill #), (and recommendation that the committee substitute bill #) be re-referred to the Committee on .)
- With a favorable report as to House committee substitute bill (#), which changes the title, unfavorable as to Senate committee substitute bill.
- With an unfavorable report.
- With recommendation that the House concur.
- With recommendation that the House do not concur.
- With recommendation that the House do not concur; request conferees.
- With recommendation that the House concur; committee believes bill to be material.
- With an unfavorable report, with a Minority Report attached.
- Without prejudice.
- With an indefinite postponement report.
- With an indefinite postponement report, with a Minority Report attached.
- With recommendation that it be adopted. (HOUSE RESOLUTION ONLY)

2/24/99

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 1999

H

1

HOUSE BILL 439

Short Title: Hyde County Local Act.

(Local)

Sponsors: Representative Edwards.

Referred to: Rules, Calendar and Operations of the House.

March 15, 1999

- 1 A BILL TO BE ENTITLED
2 AN ACT RELATING TO THE GOVERNANCE OF HYDE COUNTY.
3 The General Assembly of North Carolina enacts:
4 Section 1. This act applies to Hyde County only.
5 Section 2. This act is effective when it becomes law.

**1999 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES**

The following report(s) from standing committee(s) is/are presented:

By Representative(s) **CULPEPPER** for the Committee on **RULES, CALENDAR AND OPERATIONS OF THE HOUSE.**

Committee Substitute for
H.B. 439 A BILL TO BE ENTITLED AN ACT RELATING TO THE GOVERNANCE OF
HYDE COUNTY.

- With a favorable report.
- With a favorable report and recommendation that the bill be re-referred to the Committee on Appropriations Finance .
- With a favorable report, as amended.
- With a favorable report, as amended, and recommendation that the bill be re-referred to the Committee on Appropriations Finance .
- With a favorable report as to committee substitute bill (#), which changes the title, unfavorable as to (original bill) (Committee Substitute Bill #), (and recommendation that the committee substitute bill #) be re-referred to the Committee on .)
- With a favorable report as to House committee substitute bill (#), which changes the title, unfavorable as to Senate committee substitute bill.
- With an unfavorable report.
- With recommendation that the House concur.
- With recommendation that the House do not concur.
- With recommendation that the House do not concur; request conferees.
- With recommendation that the House concur; committee believes bill to be material.
- With an unfavorable report, with a Minority Report attached.
- Without prejudice.
- With an indefinite postponement report.
- With an indefinite postponement report, with a Minority Report attached.
- With recommendation that it be adopted. (HOUSE RESOLUTION ONLY)

2/24/99

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 1999

H

1

HOUSE BILL 292*

Short Title: Royall Children's Vision Program.

(Public)

Sponsors: Representatives Baddour; Luebke, Miller, and Wainwright.

Referred to: Rules, Calendar and Operations of the House.

March 4, 1999

A BILL TO BE ENTITLED

1
2 AN ACT TO NAME THE NORTH CAROLINA CHILDREN'S VISION
3 SCREENING IMPROVEMENT PROGRAM IN HONOR OF KENNETH C.
4 ROYALL, JR.

5 The General Assembly of North Carolina enacts:

6 Section 1. The North Carolina Children's Vision Screening Improvement
7 Program of the Department of Health and Human Services is a program administered
8 through Prevent Blindness North Carolina that trains and certifies vision screeners
9 who assess children in North Carolina schools. This program is hereby designated
10 the Kenneth C. Royall, Jr. Children's Vision Screening Improvement Program in
11 recognition of Kenneth C. Royall, Jr.'s 32 years of leadership in Prevent Blindness
12 North Carolina and his commitment to children's vision screening.

13 Section 2. This act is effective when it becomes law.

**1999 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES**

The following report(s) from standing committee(s) is/are presented:

By Representative(s) **CULPEPPER** for the Committee on **RULES, CALENDAR AND OPERATIONS OF THE HOUSE.**

- Committee Substitute for
H.B. 292 A BILL TO BE ENTITLED AN ACT TO NAME THE NORTH CAROLINA CHILDREN'S VISION SCREENING IMPROVEMENT PROGRAM IN HONOR OF KENNETH C. ROYALL, JR.
- With a favorable report.
- With a favorable report and recommendation that the bill be re-referred to the Committee on Appropriations Finance .
- With a favorable report, as amended.
- With a favorable report, as amended, and recommendation that the bill be re-referred to the Committee on Appropriations Finance .
- With a favorable report as to committee substitute bill (#), which changes the title, unfavorable as to (original bill) (Committee Substitute Bill #), (and recommendation that the committee substitute bill #) be re-referred to the Committee on .)
- With a favorable report as to House committee substitute bill (#), which changes the title, unfavorable as to Senate committee substitute bill.
- With an unfavorable report.
- With recommendation that the House concur.
- With recommendation that the House do not concur.
- With recommendation that the House do not concur; request conferees.
- With recommendation that the House concur; committee believes bill to be material.
- With an unfavorable report, with a Minority Report attached.
- Without prejudice.
- With an indefinite postponement report.
- With an indefinite postponement report, with a Minority Report attached.
- With recommendation that it be adopted. (HOUSE RESOLUTION ONLY)

2/24/99

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1999

H

1

HOUSE BILL 562*

Short Title: Royall Children's Vision Program.

(Public)

Sponsors: Representatives Baddour; Miller, Allen (Primary Sponsors), Allred, Arnold, Barbee, Barefoot, Blue, Bonner, Braswell, Bridgeman, Buchanan, Cansler, Church, Cox, Crawford, Creech, Culpepper, Cunningham, Daughtry, Dedmon, Eddins, Edwards, Esposito, Gibson, Gillespie, Gulley, Hackney, Haire, Hardaway, Hensley, Hill, Horn, Hurley, Kiser, Luebke, McComas, McCombs, McLawhorn, McMahan, Melton, Michaux, Mitchell, Morris, Mosley, Neely, Owens, Preston, Ramsey, Rayfield, Redwine, Rogers, Saunders, Sherrill, Sutton, Thomas, Tolson, Tucker, Wainwright, Walend, Warner, Warren, C. Wilson, G. Wilson, and Yongue.

Referred to: Rules, Calendar and Operations of the House.

March 23, 1999

1 A BILL TO BE ENTITLED
2 AN ACT TO NAME THE NORTH CAROLINA CHILDREN'S VISION
3 SCREENING IMPROVEMENT PROGRAM IN HONOR OF KENNETH C.
4 ROYALL, JR.
5 The General Assembly of North Carolina enacts:
6 Section 1. The North Carolina Children's Vision Screening Improvement
7 Program of the Department of Health and Human Services is a program administered
8 through Prevent Blindness North Carolina that trains and certifies vision screeners
9 who assess children in North Carolina schools. This program is hereby designated
10 the Kenneth C. Royall, Jr. Children's Vision Screening Improvement Program in
11 recognition of Kenneth C. Royall, Jr.'s 32 years of leadership in Prevent Blindness
12 North Carolina and his commitment to children's vision screening.
13 Section 2. This act is effective when it becomes law.

**1999 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES**

The following report(s) from standing committee(s) is/are presented:

By Representative(s) **CULPEPPER** for the Committee on **RULES, CALENDAR AND OPERATIONS OF THE HOUSE.**

Committee Substitute for

H.B. 562 A BILL TO BE ENTITLED AN ACT TO NAME THE NORTH CAROLINA CHILDREN'S VISION SCREENING IMPROVEMENT PROGRAM IN HONOR OF KENNETH C. ROYALL, JR.

With a favorable report.

With a favorable report and recommendation that the bill be re-referred to the Committee on Appropriations Finance .

With a favorable report, as amended.

With a favorable report, as amended, and recommendation that the bill be re-referred to the Committee on Appropriations Finance .

With a favorable report as to committee substitute bill (#), which changes the title, unfavorable as to (original bill) (Committee Substitute Bill #), (and recommendation that the committee substitute bill #) be re-referred to the Committee on .)

With a favorable report as to House committee substitute bill (#), which changes the title, unfavorable as to Senate committee substitute bill.

With an unfavorable report.

With recommendation that the House concur.

With recommendation that the House do not concur.

With recommendation that the House do not concur; request conferees.

With recommendation that the House concur; committee believes bill to be material.

With an unfavorable report, with a Minority Report attached.

Without prejudice.

With an indefinite postponement report.

With an indefinite postponement report, with a Minority Report attached.

With recommendation that it be adopted. (HOUSE RESOLUTION ONLY)

2/24/99

VISITOR REGISTRATION SHEET

Ruler

5-5-99

VISITORS: PLEASE SIGN BELOW AND RETURN TO COMMITTEE CLERK

NAME

FIRM OR AGENCY

1. Annun Williams

NCCS

2. Hal Miller

McAEE

3. Barry Russell

NCCS

4. Neresa Pittman

Union Co.

5. Jim Fittman

Union Co

6. Debra Ross

RUU

7. B. Summers

NC Equity

8. Laura Del Rio

DENR

9. C. Porter

Bone & Associates

10. V. Fox

Senate

11. Antonia Sanchez

NCCS

12. L. Mulvree

McAICU

13. _____

14. _____

15. _____

16. _____

17. _____

18. _____

19. _____

20. _____

21. _____

AGENDA

**HOUSE COMMITTEE ON RULES, CALENDAR AND
OPERATIONS OF THE HOUSE**

**May 12, 1999
Room 421 LOB
1:10 PM**

OPENING REMARKS

Representative Culpepper, Chairman

CONSIDERATION OF BILLS

ACTION TAKEN ON BILLS

ADJOURNMENT

MINUTES OF THE COMMITTEE ON RULES, CALENDAR AND OPERATIONS OF
THE HOUSE

May 12, 1999

The Committee on Rules, Calendar and Operations of the House met on May 12, 1999 at 1:10 p.m. in Room 421 of the Legislative Office Building. The following members were present: Representatives Culpepper, Chairman; Alexander, Allen, Gibson, Gulley, Hill, Jarrell, Luebke, McCombs, McMahan, Nye, Tolson and Yongue.

The following matters came before the committee:

Committee Substitute #2 for House Bill 678-AN ACT TO PROVIDE FOR EQUAL TREATMENT FOR ACUPUNCTURISTS WITH RESPECT TO INSURANCE REIMBURSEMENT AND TO INCREASE THE LATE RENEWAL FEE FOR AN ACUPUNCTURIST LICENSE. The chairman stated that the bill had been before several committees, and committee substitute bill #2 had been re-referred to the Rules Committee. He then accepted a motion by Representative Jarrell that the committee substitute bill #2 be reported without prejudice. The motion carried.

HOUSE RESOLUTION 1007-A HOUSE RESOLUTION URGING CONGRESS TO TAKE STEPS TO ENSURE THE FAIR IMPLEMENTATION OF THE FOOD QUALITY PROTECTION ACT. Representative Hill, the bill sponsor, was recognized to present the bill following a motion by Representative Nye that a proposed committee substitute bill be adopted. The proposed committee substitute bill changed the title to A HOUSE RESOLUTION URGING CONGRESS TO TAKE STEPS TO ENSURE THE FAIR IMPLEMENTATION OF THE FOOD QUALITY PROTECTION ACT. The motion passed. Representative Hill stated that the resolution urges Congress to take steps to implement the Food Quality Protection Act. He requested that Glenn Jernigan who represents The Agricultural Alliance of North Carolina be allowed to speak on the resolution. Mr. Jernigan stated that the resolution is endorsed and sponsored by the entire agricultural community of the state including The Department of Agriculture, the Farm Bureau, and the Agricultural Alliance. Following questions asked of Mr. Jernigan, Representative Luebke stated that this is a controversial matter and objected to a vote on the resolution until he could obtain more information concerning it. Representative Hill stated that he had no problem holding the bill until Representative Luebke could look into the matter further. The chairman then stated that no action would be taken on the resolution at the meeting.

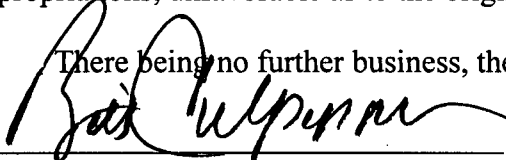
HOUSE BILL 744-AN ACT TO ESTABLISH A PILOT PROJECT TO IMPROVE ACCESS TO HEALTH CARE COVERAGE IN NORTH CAROLINA. Representative McCombs moved adoption of a proposed committee substitute bill for purposes of discussion. Without objection it was so ordered. The chairman recognized Representative Cansler, bill sponsor, who advised that the bill was requested by Buncombe County, the Buncombe Medical Society and others in the Buncombe County area who are endeavoring to establish a pilot project in Buncombe County that would

provide an affordable health insurance plan to small employers for their employees. Representative Gulley made a motion that the proposed committee substitute bill be reported without prejudice and that it be re-referred to the Select Committee on Health Care Delivery, unfavorable as to the original bill. The motion passed.

HOUSE RESOLUTION 1140-A HOUSE RESOLUTION HONORING THE LIFE AND MEMORY OF JOSHUA G. WRIGHT FOR WHOM THE TOWN OF WRIGHTSVILLE BEACH IS NAMED UPON THE TOWN'S ONE HUNDREDTH ANNIVERSARY. Representative McComas, sponsor of the bill, was recognized to present the bill. Following Representative McComas' remarks, Representative Nye moved that the resolution be adopted, and the motion passed.

HOUSE BILL 780-AN ACT RELATING TO NEW HANOVER COUNTY AND TO THE INCORPORATED MUNICIPALITIES LOCATED IN THAT COUNTY. Representative Alexander made a motion that a proposed committee substitute bill, changing the title to AN ACT TO APPROPRIATE FUNDS FOR THE CONSTRUCTION OF A NEW FACILITY FOR THE ST. JOHN'S MUSEUM OF ART, be adopted, and the chairman ruled that for purposes of discussion and without objection it be so ordered. Representative McComas, bill sponsor, was recognized to explain the bill, after which Representative Hill moved that the proposed committee substitute bill be reported without prejudice with the recommendation that it be re-referred to the Committee on Appropriations, unfavorable as to the original bill. The motion passed.

There being no further business, the meeting adjourned at 1:25 p.m.



Representative Bill Culpepper, Chairman



Dorothy C. Crocker, Committee Assistant

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1999

H

D

HOUSE BILL 678
Committee Substitute Favorable 4/26/99
Proposed Committee Substitute H678-PCS1252-RN

Short Title: Acupuncturist Reimbursement.

(Public)

Sponsors:

Referred to:

March 29, 1999

1 A BILL TO BE ENTITLED
2 AN ACT TO PROVIDE FOR EQUAL TREATMENT FOR ACUPUNCTURISTS
3 WITH RESPECT TO INSURANCE REIMBURSEMENT AND TO INCREASE
4 THE LATE RENEWAL FEE FOR AN ACUPUNCTURIST LICENSE.
5 The General Assembly of North Carolina enacts:
6 Section 1. G.S. 58-50-30 reads as rewritten:
7 "§ 58-50-30. (Effective July 1, 1999) Discrimination forbidden; right to choose services
8 of optometrist, podiatrist, certified clinical social worker, dentist, chiropractor,
9 psychologist, pharmacist, or advanced practice registered nurse: nurse, or
10 acupuncturist.
11 (a) Discrimination between individuals of the same class in the amount of
12 premiums or rates charged for any policy of insurance covered by Articles 50 through
13 55 of this Chapter, or in the benefits payable thereon, or in any of the terms or
14 conditions of the policy, or in any other manner whatsoever, is prohibited.
15 Whenever any policy of insurance governed by Articles 1 through 64 of this
16 Chapter provides for payment of or reimbursement for any service rendered in
17 connection with a condition or complaint that is within the scope of practice of a
18 duly licensed optometrist, a duly licensed podiatrist, a duly licensed dentist, a duly
19 licensed chiropractor, a duly certified clinical social worker, a duly licensed
20 psychologist, a duly licensed pharmacist, ~~or~~ an advanced practice registered nurse, ~~or~~
21 a duly licensed acupuncturist, the insured or other persons entitled to benefits under
22 the policy shall be entitled to payment of or reimbursement for the services, whether

- 1 (d) Payment or reimbursement is required by this section for a service performed
2 by an advanced practice registered nurse only when:
- 3 (1) The service performed is within the nurse's lawful scope of
4 practice;
 - 5 (2) The policy currently provides benefits for identical services
6 performed by other licensed health care providers;
 - 7 (3) The service is not performed while the nurse is a regular employee
8 in an office of a licensed physician;
 - 9 (4) The service is not performed while the registered nurse is
10 employed by a nursing facility (including a hospital, skilled nursing
11 facility, intermediate care facility, or home care agency); and
 - 12 (5) Nothing in this section is intended to authorize payment to more
13 than one provider for the same service.

14 No lack of signature, referral, or employment by any other health care provider may
15 be asserted to deny benefits under this provision.

16 For purposes of this section, an "advanced practice registered nurse" means only a
17 registered nurse who is duly licensed or certified as a nurse practitioner, clinical
18 specialist in psychiatric and mental health nursing, or nurse midwife.

19 (e) Payment or reimbursement is required by this section for a service performed
20 by a duly licensed pharmacist only when:

- 21 (1) The service performed is within the lawful scope of practice of the
22 pharmacist;
- 23 (2) The service performed is not initial counseling services required
24 under State or federal law or regulation of the North Carolina
25 Board of Pharmacy;
- 26 (3) The policy currently provides reimbursement for identical services
27 performed by other licensed health care providers; and
- 28 (4) The service is identified as a separate service that is performed by
29 other licensed health care providers and is reimbursed by identical
30 payment methods.

31 Nothing in this subsection authorizes payment to more than one provider for the
32 same service."

33 Section 2. G.S. 58-65-1 reads as rewritten:

34 "§ 58-65-1. (Effective July 1, 1999) Regulation and definitions; application of other
35 laws; profit and foreign corporations prohibited.

36 (a) Any corporation heretofore or hereafter organized under the general
37 corporation laws of the State of North Carolina for the purpose of maintaining and
38 operating a nonprofit hospital and/or medical and/or dental service plan whereby
39 hospital care and/or medical and/or dental service may be provided in whole or in
40 part by said corporation or by hospitals and/or physicians and/or dentists participating
41 in such plan, or plans, shall be governed by this Article and Article 66 of this
42 Chapter and shall be exempt from all other provisions of the insurance laws of this
43 State, heretofore enacted, unless specifically designated herein, and no laws hereafter
44 enacted shall apply to them unless they be expressly designated therein.

- 1 (1) The service performed is within the lawful scope of practice of the
2 pharmacist;
- 3 (2) The service performed is not initial counseling services required
4 under State or federal law or regulation of the North Carolina
5 Board of Pharmacy;
- 6 (3) The policy currently provides reimbursement for identical services
7 performed by other licensed health care providers; and
- 8 (4) The service is identified as a separate service that is performed by
9 other licensed health care providers and is reimbursed by identical
10 payment methods.

11 Nothing in this subsection authorizes payment to more than one provider for the
12 same service.

13 (c) For purposes of this section, an "advanced practice registered nurse" means
14 only a registered nurse who is duly licensed or certified as a nurse practitioner,
15 clinical specialist in psychiatric and mental health nursing, or nurse midwife.

16 For the purposes of this section, a "duly certified clinical social worker" is a
17 "certified clinical social worker" as defined in G.S. 90B-3(2) and certified by the
18 North Carolina Certification Board for Social Work pursuant to Chapter 90B of the
19 General Statutes.

20 For the purposes of this section, a "duly licensed psychologist" shall be defined
21 only to include a psychologist who is duly licensed in the State of North Carolina and
22 has a doctorate degree in psychology and at least two years clinical experience in a
23 recognized health setting, or has met the standards of the National Register of Health
24 Providers in Psychology. After January 1, 1995, a duly licensed psychologist shall be
25 defined as a licensed psychologist who holds permanent licensure and certification as
26 a health services provider psychologist issued by the North Carolina Psychology
27 Board.

28 For purposes of this section, a "duly licensed acupuncturist" means an
29 acupuncturist licensed by the Acupuncture Licensing Board pursuant to Article 30 of
30 Chapter 90 of the General Statutes.

31 The term "dental service plan" as used in this Article and Article 66 of this
32 Chapter includes contracting for the payment of fees toward, or furnishing of dental
33 and/or any other professional services authorized or permitted to be furnished by a
34 duly licensed dentist.

35 The insured or beneficiary of every "medical service plan" and of every "dental
36 service plan," as those terms are used in this Article and Article 66 of this Chapter,
37 or of any policy of insurance issued thereunder, that includes services which are
38 within the scope of practice of both a duly licensed physician and a duly licensed
39 dentist shall have the right to choose the provider of such care or service, and shall
40 be entitled to payment of or reimbursement for such care or service, whether the
41 provider be a duly licensed physician or a duly licensed dentist notwithstanding any
42 provision to the contrary contained in any such plan or policy.

43 The term "hospital service corporation" as used in this Article and Article 66 of
44 this Chapter is intended to mean any nonprofit corporation operating a hospital

**1999 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES**

The following report(s) from standing committee(s) is/are presented:

By Representative(s) **CULPEPPER** for the Committee on **RULES, CALENDAR AND OPERATIONS OF THE HOUSE.**

Committee Substitute Bill #2 for

H.B. 678 A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR EQUAL TREATMENT FOR ACUPUNCTURISTS WITH RESPECT TO INSURANCE REIMBURSEMENT AND TO INCREASE THE LATE RENEWAL FEE FOR AN ACUPUNCTURIST LICENSE.

- With a favorable report.
- With a favorable report and recommendation that the bill be re-referred to the Committee on Appropriations Finance .
- With a favorable report, as amended.
- With a favorable report, as amended, and recommendation that the bill be re-referred to the Committee on Appropriations Finance .
- With a favorable report as to committee substitute bill (#), which changes the title, unfavorable as to (original bill) (Committee Substitute Bill #), (and recommendation that the committee substitute bill #) be re-referred to the Committee on .)
- With a favorable report as to House committee substitute bill (#), which changes the title, unfavorable as to Senate committee substitute bill.
- With an unfavorable report.
- With recommendation that the House concur.
- With recommendation that the House do not concur. Bill
- With recommendation that the House do not concur; request conferees.
- With recommendation that the House concur; committee believes bill to be material.
- With an unfavorable report, with a Minority Report attached.
- Without prejudice.
- With an indefinite postponement report.
- With an indefinite postponement report, with a Minority Report attached.
- With recommendation that it be adopted. (HOUSE RESOLUTION ONLY)

2/24/99

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1999

H

1

HOUSE RESOLUTION 1007

Sponsors: Representatives Hill; Wainwright, Yongue, and Barefoot.

Referred to: Rules, Calendar and Operations of the House.

April 13, 1999

1 A HOUSE RESOLUTION URGING CONGRESS TO TAKE STEPS TO
2 IMPLEMENT THE FOOD QUALITY PROTECTION ACT.

3 Whereas, the Food Quality Protection Act of 1996 (FQPA) was signed
4 into law on August 3, 1996, by President William J. Clinton; and

5 Whereas, the FQPA establishes new safety standards that pesticides must
6 meet to be newly registered or remain on the market; and

7 Whereas, the FQPA requires the Environmental Protection Agency
8 (EPA) to ensure that all pesticide tolerances meet these new FQPA standards by
9 reassessing one-third of the 9,700 existing pesticide tolerances by August 1999, and all
10 existing tolerances in 10 years; and

11 Whereas, the FQPA institutes changes in the types of information the
12 EPA is required to evaluate in the risk assessment process for establishing tolerances
13 for pesticide residues in food and feed; and

14 Whereas, the FQPA was to assure that pesticide tolerances and policies
15 are formulated in an open and transparent manner; and

16 Whereas, the FQPA further emphasizes the need for reliable information
17 about the volume and types of pesticides being applied to individual crops and what
18 residues can be anticipated on these crops; and

19 Whereas, risk estimates based on sound science and reliable, real-world
20 data are essential to avoid misguided decisions, and the best way for the EPA to
21 obtain this data is to require its development and submission by the registrant
22 through the data call-in process; and

23 Whereas, the implementation of FQPA by the EPA could have a
24 profound negative impact on domestic agricultural production and on consumer food
25 prices and availability; and

1 Whereas, the possibility of elimination of these products will result in
2 fewer pest control options for the United States and the State of North Carolina and
3 significant disruption of successful integrated pest management programs which
4 would be devastating to the economy of our State and jeopardize the very livelihood
5 of many of our agricultural producers; and

6 Whereas, the absence of reliable information is expected to result in
7 fewer pest control options for urban and suburban uses, with potential losses of
8 personal property, damage to valuable recreational areas and managed green space
9 and increased human health concerns; Now, therefore,

10 Be it resolved by the House of Representatives:

11 Section 1. The House of Representatives urges Congress to direct the
12 Environmental Protection Agency to (i) immediately initiate appropriate public
13 administrative guidance or rule making to ensure that the policies, standards, and
14 procedures it intends to apply in reassessing existing pesticide tolerances are subject
15 to thorough public notice and comment prior to final tolerance determinations being
16 made by the agency, (ii) use sound science and real-world data from the data call-in
17 process in establishing realistic models for evaluating risks, and (iii) implement the
18 the Food Quality Protection Act of 1996 in a manner that will not disrupt agricultural
19 production nor negatively impact the availability, diversity, and affordability of food,
20 threaten public health nor diminish the quality of valuable recreational areas and
21 managed green spaces. The House of Representatives further urges Congress to
22 immediately conduct oversight hearings to ensure that actions by the Environmental
23 Protection Agency are consistent with the provisions of the Food Quality Protection
24 Act of 1996 and congressional intent.

25 Section 2. The Principal Clerk shall transmit a certified copy of this
26 resolution to the North Carolina Congressional delegation.

27 Section 3. This resolution is effective upon adoption.

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1999

H

D

HOUSE RESOLUTION 1007
Proposed Committee Substitute H1007-PCS8127-LG

Sponsors:

Referred to:

April 13, 1999

1 A HOUSE RESOLUTION URGING CONGRESS TO TAKE STEPS TO ENSURE
2 THE FAIR IMPLEMENTATION OF THE FOOD QUALITY PROTECTION
3 ACT.

4 Whereas, the Food Quality Protection Act of 1996 (FQPA) was signed
5 into law on August 3, 1996, by President William J. Clinton; and

6 Whereas, the FQPA establishes new safety standards that pesticides must
7 meet to be newly registered or remain on the market; and

8 Whereas, standards for registering pesticides are continually changing to
9 reflect advances in analytical science and regulatory and public policy; and

10 Whereas, the FQPA places unrealistic deadlines for implementing parts
11 of the Act by requiring the Environmental Protection Agency (EPA) to ensure that
12 all pesticide tolerances meet these new FQPA standards by reassessing one-third of
13 the 9,700 existing pesticide tolerances by August 1999, and all existing tolerances in
14 10 years; and

15 Whereas, the FQPA forces the EPA to drastically change its risk
16 assessment processes for establishing tolerances for pesticide residues in food and
17 feed; and

18 Whereas, the FQPA was to assure that pesticide tolerances and policies
19 are formulated in an open and transparent manner; and

20 Whereas, the FQPA further emphasizes the need for reliable information
21 about the volume and types of pesticides being applied to individual crops and what
22 residues can be anticipated on these crops; and

23 Whereas, risk estimates based on sound science and reliable, real-world
24 data are essential to avoid misguided decisions, and the generation of this data takes

1 considerable time and the State of North Carolina and many other states are in the
2 process of compiling relevant crop profiles that will result in reliable data; and

3 Whereas, the hasty implementation of FQPA by the EPA could ignore
4 new and reliable real-world data and have a profound negative impact on domestic
5 agricultural production and on consumer food prices and availability; and

6 Whereas, the EPA appears to be placing more emphasis on meeting the
7 statutory deadlines in the FQPA rather than focusing on assuring a fair
8 implementation based on sound science; and

9 Whereas, the possibility of elimination of these products will result in
10 fewer pest control options for the United States and the State of North Carolina and
11 result in a significant disruption of successful integrated pest management programs
12 which would be devastating to the economy of our State and jeopardize the very
13 livelihood of many of our agricultural producers; and

14 Whereas, the absence of reliable information is expected to result in
15 fewer pest control options for urban and suburban uses, with potential losses of
16 personal property, damage to valuable recreational areas and managed green space,
17 and increased human health concerns; Now, therefore,

18 Be it resolved by the House of Representatives:

19 Section 1. The House of Representatives urges Congress to direct the
20 Environmental Protection Agency to (i) immediately initiate appropriate public
21 administrative guidance or rule making to ensure that the policies, standards, and
22 procedures it intends to apply in reassessing existing pesticide tolerances are subject
23 to thorough public notice and comment prior to final tolerance determinations being
24 made by the agency, (ii) use sound science and real-world data from State agencies,
25 university extension departments, commodity and agribusiness organizations and
26 companies in establishing realistic models for evaluating risks, and (iii) implement the
27 Food Quality Protection Act of 1996 in a manner that will not disrupt agricultural
28 production nor negatively impact the availability, diversity, and affordability of food,
29 threaten public health, nor diminish the quality of valuable recreational areas and
30 managed green spaces. The House of Representatives further urges Congress to
31 immediately conduct oversight hearings to ensure that actions by the Environmental
32 Protection Agency are consistent with the provisions of the Food Quality Protection
33 Act of 1996 and congressional intent.

34 Section 2. The Principal Clerk shall transmit a certified copy of this
35 resolution to the North Carolina Congressional delegation.

36 Section 3. This resolution is effective upon adoption.

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1999

H

D

HOUSE BILL 744
Proposed Committee Substitute H744-PCS4261-LN

Short Title: Health Access Pilot Project.

(Public)

Sponsors:

Referred to:

March 30, 1999

1 A BILL TO BE ENTITLED
2 AN ACT TO ESTABLISH A PILOT PROJECT TO IMPROVE ACCESS TO
3 HEALTH CARE COVERAGE IN NORTH CAROLINA.

4 The General Assembly of North Carolina enacts:

5 Section 1. The purpose of this act is to authorize and encourage tailoring
6 of health care delivery and benefits to meet a particular community's needs, while
7 maintaining safeguards, so as to increase the affordability, efficiency, and fairness of
8 health care coverage for small employers. The goal of the Pilot Project established in
9 this act is to allow for a limited time and in a controlled manner, the relaxation of
10 some mandates in order to inject flexibility and advantages to small employers and
11 their employees, while maintaining supervision by appropriate State agencies.

12 Section 2. The Buncombe County Area Small Business Health Care
13 Purchasing Alliance Pilot Project is hereby established as follows:

14 (1) The State Health Plan Purchasing Alliance Board shall establish
15 the Buncombe County Area Small Business Health Care
16 Purchasing Alliance (the "Alliance") pursuant to G.S. 143-627 that
17 shall possess the powers and duties of the Alliance as set forth in
18 G.S. 143-628.

19 (2) The Buncombe County Medical Society shall serve as the
20 Community Sponsor for the Buncombe County Area Small
21 Business Health Care Purchasing Alliance.

22 (3) The Alliance shall design an initial basic benefit plan tailored to
23 the designated Buncombe County market area needs. It is

1 anticipated that the plan will be a guaranteed issue plan. There
2 shall be no individual medical underwriting and no separate "high-
3 risk" policies. The premium shall be actuarially sound but not
4 necessarily be adjusted community rated. The Alliance may
5 develop one or more additional plans, including a premier benefit
6 plan option. All plans shall be submitted to the Department of
7 Insurance and the State Health Plan Purchasing Alliance Board.

8 (4) The Alliance shall coordinate enrollment of suitable member small
9 employers into the Alliance and notify them of the availability of
10 coverage. Only small employers who at the time of enrollment
11 and during the previous six months did not maintain a health
12 insurance plan for its employees shall be considered a suitable
13 member small employer.

14 (5) The Alliance may solicit competitive bids from Accountable
15 Health Carriers to offer the plan or plans developed by the
16 Alliance to employees of member small employers.

17 (6) The Alliance may impose a reasonable administrative surcharge or
18 fee on member small employers for Pilot Project administration.

19 (7) The Pilot Project shall at all times remain subject to the
20 jurisdiction in regulation of the North Carolina Department of
21 Insurance and the State Health Plan Purchasing Alliance Board.

22 (8) The Alliance shall have the flexibility to develop reasonable
23 measures to ensure enrollment stability and fiscal solvency while
24 encouraging efficiency.

25 Section 3. The Pilot Project is exempt from only such general or local
26 law or rule to the contrary, including inter alia, contrary provisions of G.S. 143-621
27 through G.S. 143-636 (Health Care Purchasing Alliance Act), G.S. 58-49-30 through
28 G.S. 58-49-65 (Multiple Employer Welfare Arrangements). The Pilot Project is
29 exempt from G.S. 58-50-100 through G.S. 58-50-155 (North Carolina Small Employer
30 Group Health Coverage Reform Act) when the number of employee enrollees
31 exceeds 150.

32 Section 4. Commencing upon the date this act becomes law, the Pilot
33 Project shall be created and remain in existence for a period of four years, at which
34 time it may be continued, modified, or terminated by the General Assembly. The
35 Alliance shall present a report with recommendations to the State Health Plan
36 Purchasing Alliance Board before the expiration of that time. The North Carolina
37 Department of Insurance may provide input and findings to the Board. The Board
38 shall report to the General Assembly on or before the fifth year after this act becomes
39 law, presenting its findings and recommendations as to whether the Pilot Project
40 should be extended, or extended as modified, to other parts of North Carolina for the
41 benefit of employees of small employers.

42 Section 5. To the extent funds are available from the State Health Plan
43 Purchasing Alliance Fund, the sum of twenty-five thousand dollars (\$25,000) shall be
44 allocated to the Pilot Project for the first year of its operation, and the sum of fifteen

- 1 thousand dollars (\$15,000) for the second year of its operation. Thereafter the Pilot
2 Project shall be self-sustaining.
- 3 Section 6. The community sponsor shall submit to the State Health Plan
4 Purchasing Alliance Board a proposed plan of operation of the Alliance.
- 5 Section 7. This act is effective when it becomes law.

**1999 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES**

The following report(s) from standing committee(s) is/are presented:

By Representative(s) **CULPEPPER** for the Committee on **RULES, CALENDAR AND OPERATIONS OF THE HOUSE.**

- Committee Substitute for
H.B. 744 A BILL TO BE ENTITLED AN ACT TO ESTABLISH A PILOT PROJECT TO
IMPROVE ACCESS TO HEALTH CARE COVERAGE IN NORTH CAROLINA.
- With a favorable report.
- With a favorable report and recommendation that the bill be re-referred to the Committee on
Appropriations Finance .
- With a favorable report, as amended.
- With a favorable report, as amended, and recommendation that the bill be re-referred to the
Committee on Appropriations Finance .
- Without prejudice as to committee substitute bill, unfavorable as to original bill, and
recommendation that the committee substitute bill be re-referred to the Select Committee on
Health Care Delivery.
- With a favorable report as to House committee substitute bill (#), which changes
the title, unfavorable as to Senate committee substitute bill.
- With an unfavorable report.
- With recommendation that the House concur.
- With recommendation that the House do not concur.
- With recommendation that the House do not concur; request conferees.
- With recommendation that the House concur; committee believes bill to be material.
- With an unfavorable report, with a Minority Report attached.
- Without prejudice.
- With an indefinite postponement report.
- With an indefinite postponement report, with a Minority Report attached.
- With recommendation that it be adopted. (HOUSE RESOLUTION ONLY)

2/24/99

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1999

H

1

HOUSE RESOLUTION 1140

Sponsors: Representative McComas.

Referred to: Rules, Calendar and Operations of the House.

April 15, 1999

1 A HOUSE RESOLUTION HONORING THE LIFE AND MEMORY OF JOSHUA
2 G. WRIGHT FOR WHOM THE TOWN OF WRIGHTSVILLE BEACH IS
3 NAMED UPON THE TOWN'S ONE HUNDREDTH ANNIVERSARY.

4 Whereas, the Town of Wrightsville Beach was incorporated by the
5 General Assembly on March 6, 1899; and

6 Whereas, the Town of Wrightsville Beach possesses a rich history; and

7 Whereas, the Town was named for Joshua G. Wright, founder of a real
8 estate agency and a member of the prominent Wright family that originally settled in
9 the Wilmington area; and

10 Whereas, the Wrights immigrated from England in the early 1720s; and

11 Whereas, the Wrights were distinguished for their intelligence, wealth,
12 and high personal and civic virtues; and

13 Whereas, Thomas Wright, another member of the Wright family, married
14 Anna Granger, the granddaughter of Joshua Granger, one of the founders of
15 Wilmington; and

16 Whereas, descendants of the Wright family continue to live in the Town
17 of Wrightsville Beach, New Hanover County, and the surrounding areas; and

18 Whereas, one of Wrightsville Beach's most legendary attractions included
19 the Lumina, which was once a grand building and pavilion that provided
20 entertainment such as orchestral music, dancing, and silent movies, and whose
21 popularity attracted visitors from all over the South; and

22 Whereas, a fire destroyed many of the Town's buildings on January 28,
23 1934, but the Town managed to grow and expand and is now celebrating 100 years of
24 incorporation; and

1 Whereas, the Town of Wrightsville Beach and the contributions of the
2 Wright family to the development of the Town are worthy of celebration and should
3 be enjoyed and supported by all North Carolinians; Now, therefore,

4 Be it resolved by the House of Representatives:

5 Section 1. The House of Representatives honors the life and memory of
6 Joshua G. Wright and urges the citizens of this State to participate in the activities
7 commemorating the 100th anniversary of the Town of Wrightsville Beach.

8 Section 2. The Principal Clerk shall transmit a certified copy of this
9 resolution to the Mayor and Town Manager of the Town of Wrightsville Beach.

10 Section 3. This resolution is effective upon adoption.

**1999 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES**

The following report(s) from standing committee(s) is/are presented:

By Representative(s) **CULPEPPER** for the Committee on **RULES, CALENDAR AND
OPERATIONS OF THE HOUSE.**

- Committee Substitute for
H.R. 1140 A HOUSE RESOLUTION HONORING THE LIFE AND MEMORY OF
JOSHUA G. WRIGHT FOR WHOM THE TOWN OF WRIGHTSVILLE BEACH IS
NAMED UPON THE TOWN'S ONE HUNDREDTH ANNIVERSARY.
- With a favorable report.
- With a favorable report and recommendation that the bill be re-referred to the Committee on
Appropriations Finance .
- With a favorable report, as amended.
- With a favorable report, as amended, and recommendation that the bill be re-referred to the
Committee on Appropriations Finance .
- With a favorable report as to committee substitute bill (#), which changes the title,
unfavorable as to (original bill) (Committee Substitute Bill #), (and recommendation
that the committee substitute bill #) be re-referred to the Committee on .)
- With a favorable report as to House committee substitute bill (#), which changes
the title, unfavorable as to Senate committee substitute bill.
- With an unfavorable report.
- With recommendation that the House concur.
- With recommendation that the House do not concur.
- With recommendation that the House do not concur; request conferees.
- With recommendation that the House concur; committee believes bill to be material.
- With an unfavorable report, with a Minority Report attached.
- Without prejudice.
- With an indefinite postponement report.
- With an indefinite postponement report, with a Minority Report attached.
- With recommendation that it be adopted. (HOUSE RESOLUTION ONLY)

2/24/99

**1999 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES**

The following report(s) from standing committee(s) is/are presented:

By Representative(s) **CULPEPPER** for the Committee on **RULES, CALENDAR AND OPERATIONS OF THE HOUSE.**

Committee Substitute for

H.B. 780 A BILL TO BE ENTITLED AN ACT RELATING TO NEW HANOVER COUNTY AND TO THE INCORPORATED MUNICIPALITIES LOCATED IN THAT COUNTY.

With a favorable report.

With a favorable report and recommendation that the bill be re-referred to the Committee on Appropriations Finance .

With a favorable report, as amended.

With a favorable report, as amended, and recommendation that the bill be re-referred to the Committee on Appropriations Finance .

Without prejudice as to committee substitute bill, which changes the title, unfavorable as to original bill, and recommendation that the committee substitute bill be re-referred to the Committee on Appropriations.

With a favorable report as to House committee substitute bill (#), which changes the title, unfavorable as to Senate committee substitute bill.

With an unfavorable report.

With recommendation that the House concur.

With recommendation that the House do not concur.

With recommendation that the House do not concur; request conferees.

With recommendation that the House concur; committee believes bill to be material.

With an unfavorable report, with a Minority Report attached.

Without prejudice.

With an indefinite postponement report.

With an indefinite postponement report, with a Minority Report attached.

With recommendation that it be adopted. (HOUSE RESOLUTION ONLY)

2/24/99

AGENDA

**HOUSE COMMITTEE ON RULES, CALENDAR AND
OPERATIONS OF THE HOUSE**

**May 19, 1999
Room 421 LOB
1:00 PM**

OPENING REMARKS

Representative Culpepper, Chairman

CONSIDERATION OF BILLS

ACTION TAKEN ON BILLS

ADJOURNMENT

MINUTES OF THE COMMITTEE ON RULES, CALENDAR AND OPERATIONS OF
THE HOUSE

May 19, 1999

The Committee on Rules, Calendar and Operations of the House met on May 19, 1999 at 1:00 p.m. in Room 421 of the Legislative Office Building. The following members were present; Representatives Culpepper, Chairman; Joe Hackney, Vice Chairman; Alexander, Allen, Crawford, Gulley, Hill, Jarrell, Leubke, McCombs, Nye, Tolson and Yongue.

The following matters came before the committee:

HOUSE BILL 351 - AN ACT RELATING TO THE 27TH HOUSE DISTRICT. The chairman stated that the bill sponsor, Representative Wood, could not be present but that the bill would be heard in that it is a procedural matter. Representative Tolson moved that a proposed committee substitute bill be adopted, and the chairman ruled that for the purposes of discussion, without objection, it be so ordered. The proposed committee substitute changes the title of the bill to AN ACT TO INCORPORATE THE TOWN OF COLFAX, SUBJECT TO A REFERENDUM, and Representative Gulley moved that the proposed committee substitute bill for House Bill 351 be reported without prejudice, with the recommendation that it be re-referred to the Committee on Finance, unfavorable as to the original bill. The motion carried.

HOUSE BILL 369 – AN ACT RELATING TO THE CITY OF GREENSBORO. The chairman recognized Representative Bowie, sponsor of the bill, to present the bill. Representative Crawford moved for adoption of a committee substitute bill which changed the title to AN ACT TO APPROPRIATE FUNDS TO THE DEPARTMENT OF COMMUNITY COLLEGES FOR THE PIEDMONT TRIAD CENTER FOR ADVANCED MANUFACTURING. The chairman ruled that for the purposes of discussion, without objection, it be so ordered. Representative Bowie stated that the Piedmont Triad Center for Advanced Manufacturing (PT CAM) has become a nationwide model for training to national and industrial standards in metal working by Guilford Technical College. Representative Jarrell made a motion that the proposed committee substitute be reported without prejudice and that it be re-referred to the Committee on Appropriations, unfavorable as to the original bill. The motion passed.

HOUSE RESOLUTION 388 - A HOUSE RESOLUTION URGING THE UNITED STATES TO ADOPT THE UNITED NATIONS CONVENTION ON THE ELIMINATION OF ALL FORMS OF DISCRIMINATION AGAINST WOMEN. Representative Adams, bill sponsor, was recognized to explain the resolution. She stated that the resolution has been designed to support CEDAW which is the Convention For the Elimination of All Forms Discrimination Against Women. Mr. Slater Newman, Chairman of the Coalition, North Carolinians for the Ratification of CEDAW, along with Bea Holt, a former member of the House of Representatives, spoke in support of the

resolution. A copy of Mr. Newman's remarks is attached. Representative Alexander moved for adoption of the resolution, and the motion carried.

HOUSE JOINT RESOLUTION 1068 – A JOINT RESOLUTION HONORING THE LIFE AND MEMORY OF DR. EDMUND STRUDWICK THE FIRST PRESIDENT OF THE NORTH CAROLINA MEDICAL SOCIETY, ON THE SOCIETY'S ONE HUNDRED FIFTIETH ANNIVERSARY. The chairman recognized Representative Alexander, sponsor of the bill, to speak on the resolution. Following Representative Alexander's remarks, Representative Jarrell moved that the resolution be given a favorable report. The motion passed.

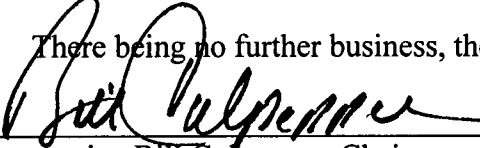
HOUSE JOINT RESOLUTION 1251 – A JOINT RESOLUTION HONORING THE LIFE AND MEMORY OF KENNETH R. WILLIAMS, ONE OF WINSTON-SALEM'S MOST PROMINENT CITIZENS. Representative Womble, sponsor of the bill, was recognized to present the resolution. Following remarks by Representative Womble concerning Dr. Williams, Representative Luebke moved for a favorable report of the resolution, and the motion passed.

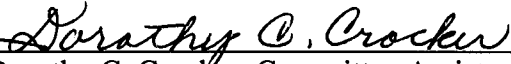
Representative Allen moved that the following blank bills listed with their short titles be postponed indefinitely:

House Bill 687-Guilford County Local Act-3.
House Bill 688-Guilford County Local Ac-2.
House Bill 689-Guilford County Local Act-1.
House Bill 691-Carteret Municipalities.
House Bill 692-Carteret Cty Local Act.
House Bill 693-Carteret County Local Act.
House Bill 699 Rowan County Local Act.
House Bill 700-Rowan Cty. Municipalities-1.
House Bill 701-Rowan Cty. Municipalities-2.
House Bill 702-Lexington Local Act.
House Bill 703-Davidson County Local Act.
House Bill 704-Thomasville Local Act.
House Bill 705-Cumberland Local Act-2.
House Bill 706-Cumberland Local Act-1.
House Bill 709-Angier Local Act.
House Bill 716-Mecklenburg Local Act.
House Bill 718-Pender Local Act.
House Bill 719-Pender Local Act-2.
House Bill 720-Sampson Local Act.
House Bill 721-Sampson Local Act.
House Bill 725-94th House District Local Act-2.
House Bill 726-94th House District Local Act-1.
House Bill 727-94th House District Local Act-3.
House Bill 730-Wilson Local Act.
House Bill 737-Plymouth Local Act-2.

House Bill 745 – Dare Local Act.
House Bill 757 – Wake County Local Act-1.
House Bill 758 – Wake County Local Act-3.
House Bill 759 – Wake County Local Act-2.
House Bill 766 – Alexander Local Act.
House Bill 768 – Pender Local Act-2.
House Bill 769 – Pender Local Act-1.
House Bill 770 – Navassa Local Act-2.
House Bill 771 – Navassa Local Act 1.
House Bill 773 – New Hanover Local Act-1.
House Bill 774 – Wilmington Local Act-1.
House Bill 775 – Wilmington Local Act-2.
House Bill 779 – New Hanover Local Act-2.
House Bill 782 – Wilkes Local Act.
House Bill 783 – Yadkin Local Act.
House Bill 807 – Wayne Co. Local Act.
House Bill 808 – Greene Co. Local Act.
House Bill 809 – Lenoir Co. Local Act.
House Bill 831 – Henderson County Local Act.
House Bill 838 – Onslow Local Act.
House Bill 858 – 7th House Dist. Local Act.
House Bill 859 – 7th House Dist. Local Act.
House Bill 860 – 7th House Dist. Local Act.
House Bill 861 – 7th House Bill Local Act.
House Bill 865 – N.H. Commissioners.
House Bill 866 – Wilmington Council Elections.
House Bill 879 – Alamance County Borders.
House Bill 881 – Wake Local Act-3.
House Bill 882 – Wake Local Act-1.
House Bill 883 – Wake Local Act-2.
House Bill 892 – Charlotte Local Act-1.
House Bill 893 – Mecklenburg Local Act-2.
House Bill 894 – Mecklenburg Local Act-1.
House Bill 895 – Charlotte Local Act-2.
House Bill 897 – Wake Local Act.

There being no further business, the meeting adjourned at 1:25 p.m.


Representative Bill Culpepper, Chairman


Dorothy C. Crocker, Committee Assistant

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1999

H

1

HOUSE BILL 351

Short Title: 27TH House District Local Act.

(Local)

Sponsors: Representative Wood.

Referred to: Rules, Calendar and Operations of the House.

March 8, 1999

- 1 A BILL TO BE ENTITLED
2 AN ACT RELATING TO THE 27TH HOUSE DISTRICT.
3 The General Assembly of North Carolina enacts:
4 Section 1. This act relates to the 27th House District only.
5 Section 2. This act is effective when it becomes law.

1 Interstate 40 Bypass to the Western right-of-way of South Bunker Hill Road; thence
2 in a Southerly direction along the Western right-of-way of South Bunker Hill Road to
3 the Forsyth County line; thence following North along the Eastern side of the Forsyth
4 County line to the intersect of the Northern boundary of the Deep River Township
5 with the Forsyth County line, but excluding both the 421 Curb Market property on
6 Highway 421 currently annexed and serviced by the Town of Kernersville, and the
7 Triad Park property North of Highway 421 jointly owned by Forsyth and Guilford
8 Counties; thence in an Easterly direction to a point at the intersection of the Deep
9 River Township and the Southwestern boundary of the Town of Oak Ridge; thence
10 following South-southeasterly along the Southern boundary of the Town of Oak
11 Ridge to a point approximately one-quarter mile North of the Northern boundary of
12 Deep River Township to the intersect of a South-flowing creek that feeds to Reedy
13 Fork Creek and Leabourne Road; thence continuing Westerly along the Western
14 right-of-way of Leabourne/Cude Road continuing South to the Greensboro City
15 Limits at Pleasant Ridge Road; thence following Southwesterly along the Western
16 right-of-way of the City of Greensboro; thence following in a Westerly direction to
17 the area of the intersection of Highway 421 and Sandy Ridge Road; thence along the
18 Western right-of-way in a Southerly direction along the right-of-way to the City of
19 Greensboro to the North side of the intersection of Sandy Ridge Road to intersect
20 with Interstate 40; thence the point and place of Beginning.

21 "CHAPTER 3.

22 "GOVERNING BODY.

23 "Section 3.1. The governing body of the Town of Colfax is the Town Council,
24 which has five members.

25 "Section 3.2. The qualified voters of the entire Town elect the members of the
26 Town Council.

27 "Section 3.3. From the effective date of this Charter until the 2000 municipal
28 elections, the Interim Mayor, Mayor Pro Tempore, and the other three members of
29 the Town Council will be:

30 Interim Mayor	Lynn Cummings
31 Mayor Pro Tempore	Garland Stack
32 Council	Woody Atkins
33 Council	Virginia Atkins
34 Council	Bob Powell

35 The Interim Mayor and Mayor Pro Tempore named by this section shall only serve
36 as such if another council member is not chosen for that position as provided by
37 Section 3.5 of the Charter.

38 "Section 3.4. At the time of the regular Town election in 2000, five council
39 members shall be elected. The persons receiving the three highest numbers of votes
40 shall be elected for four-year terms, and the two persons receiving the next highest
41 numbers of votes shall be elected for two-year terms. In 2002 and quadrennially
42 thereafter, two council members shall be elected for four-year terms. In 2004 and
43 quadrennially thereafter, three council members shall be elected for four-year terms.

1 "Section 3.5. At the organizational meeting of the initial council and at the
2 organizational meeting after each election, the council shall elect one of its members
3 to serve at its pleasure as Mayor and one as Mayor Pro Tempore.

4 "CHAPTER 4.

5 "ELECTIONS.

6 "Section 4.1. The Town Council shall be elected by the nonpartisan plurality
7 method as provided in G.S. 163-292. Elections shall be governed by general law
8 except as provided otherwise by this Charter.

9 "CHAPTER 5.

10 "ADMINISTRATION.

11 "Section 5.1. The Town of Colfax shall operate under the Mayor-Council plan as
12 provided in Part 3 of Article 7 of Chapter 160A of the General Statutes.

13 "CHAPTER 6.

14 "TAXATION.

15 "Section 6.1. Notwithstanding G.S. 160A-209(d), except with the approval of the
16 qualified voters of the Town in a referendum under G.S. 160A-209, the Town may
17 not levy ad valorem taxes in excess of twenty cents (20¢) on the one hundred dollar
18 (\$100.00) valuation. This section does not limit taxation to pay the debt service on
19 general obligation indebtedness incurred by the Town in accordance with law."

20 Section 2. From and after the effective date of the incorporation, the
21 citizens and property in the Town of Colfax shall be subject to municipal taxes levied
22 for the year beginning July 1, 1999, and for that purpose the Town shall obtain from
23 Guilford County a record of property in the area herein incorporated which was
24 listed for taxes as of January 1, 1999, and the businesses in the Town shall be liable
25 for privilege license tax from the effective date of the privilege license tax ordinance.
26 The Town may adopt a budget ordinance for fiscal year 1999-2000, without following
27 the timetable in the local government budget and fiscal control act, but shall follow
28 the sequence of actions in the spirit of the act insofar as is practical. For fiscal year
29 1999-2000 ad valorem taxes may be paid at par or face amount within 90 days of
30 adoption of the budget ordinance, and thereafter in accordance with the schedule in
31 G.S. 105-36, as if taxes had been due and payable on September 1, 1999.

32 "CHAPTER 7.

33 "MUNICIPAL ELECTION.

34 Section 3.(a) The Guilford County Board of Elections, shall conduct an
35 election on the Tuesday after the first Monday in November of 1999, for the purpose
36 of submission of the proposed Charter to the qualified voters of the area described in
37 Section 2.1 of the Charter of the Town of Colfax. Registration for the election shall
38 be conducted in accordance with G.S. 163-288.2:

39 Section 3.(b) In the election, the question on the ballot shall be:

40 "[]FOR []AGAINST

41 Incorporation of the Town of Colfax."

42 Section 4. In such election, if a majority of the votes cast are not cast
43 "For Incorporation of the Town of Colfax", then Sections 1 and 2 of this act shall
44 have no force or effect.

1 Section 5. In such election, if a majority of the votes cast shall be cast
2 "For Incorporation of the Town of Colfax", then Sections 1 and 2 of this act shall
3 become effective on the date that the Guilford County Board of Elections determines
4 the result of the election.

5 Section 6. This act is effective when it becomes law.

**1999 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES**

The following report(s) from standing committee(s) is/are presented:

By Representative(s) **Culpepper**, for the Committee on **Rules, Calendar and Operations of the House**.

Committee Substitute for

H.B. 351 A BILL TO BE ENTITLED AN ACT RELATING TO THE 27TH HOUSE DISTRICT.

- With a favorable report.
- With a favorable report and recommendation that the bill be re-referred to the Committee on Appropriations Finance .
- With a favorable report, as amended.
- With a favorable report, as amended, and recommendation that the bill be re-referred to the Committee on Appropriations Finance .
- Without prejudice as to committee substitute bill, which changes the title, unfavorable as to original bill, and recommendation that the committee substitute be re-referred to the Committee on Finance.
- With a favorable report as to House committee substitute bill (#), which changes the title, unfavorable as to Senate committee substitute bill.
- With an unfavorable report.
- With recommendation that the House concur.
- With recommendation that the House do not concur.
- With recommendation that the House do not concur; request conferees.
- With recommendation that the House concur; committee believes bill to be material.
- With an unfavorable report, with a Minority Report attached.
- Without prejudice.
- With an indefinite postponement report.
- With an indefinite postponement report, with a Minority Report attached.
- With recommendation that it be adopted. (HOUSE RESOLUTION ONLY)

2/24/99

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1999

H

1

HOUSE BILL 369

Short Title: Greensboro Local Act-2.

(Local)

Sponsors: Representative Bowie.

Referred to: Rules, Calendar and Operations of the House.

March 9, 1999

- 1 A BILL TO BE ENTITLED
2 AN ACT RELATING TO THE CITY OF GREENSBORO.
3 The General Assembly of North Carolina enacts:
4 Section 1. This act relates to the City of Greensboro.
5 Section 2. This act is effective when it becomes law.

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1999

H

D

HOUSE BILL 369
Proposed Committee Substitute H369-PCS6207-LE

Short Title: PT CAM Funds.

(Public)

Sponsors:

Referred to:

March 9, 1999

1 A BILL TO BE ENTITLED
2 AN ACT TO APPROPRIATE FUNDS TO THE DEPARTMENT OF
3 COMMUNITY COLLEGES FOR THE PIEDMONT TRIAD CENTER FOR
4 ADVANCED MANUFACTURING.
5 The General Assembly of North Carolina enacts:
6 Section 1. There is appropriated from the General Fund to the
7 Department of Community Colleges the sum of two hundred fifty thousand dollars
8 (\$250,000) for the 1999-2000 fiscal year and the sum of two hundred fifty thousand
9 dollars (\$250,000) for the 2000-2001 fiscal year to support the operations of the
10 Piedmont Triad Center for Advanced Manufacturing (PT CAM) at Guilford
11 Technical Community College.
12 Section 2. This act becomes effective July 1, 1999.

**1999 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES**

The following report(s) from standing committee(s) is/are presented:

By Representative(s) **CULPEPPER** for the Committee on **RULES, CALENDAR AND OPERATIONS OF THE HOUSE.**

Committee Substitute for

H.B. 369 A BILL TO BE ENTITLED AN ACT RELATING TO THE CITY OF GREENSBORO.

- With a favorable report.
- With a favorable report and recommendation that the bill be re-referred to the Committee on Appropriations Finance .
- With a favorable report, as amended.
- With a favorable report, as amended, and recommendation that the bill be re-referred to the Committee on Appropriations Finance .
- Without prejudice as to committee substitute bill, which changes the title, unfavorable as to original bill and recommendation that the committee substitute bill be re-referred to the Committee on Appropriations.
- With a favorable report as to House committee substitute bill (#), which changes the title, unfavorable as to Senate committee substitute bill.
- With an unfavorable report.
- With recommendation that the House concur.
- With recommendation that the House do not concur.
- With recommendation that the House do not concur; request conferees.
- With recommendation that the House concur; committee believes bill to be material.
- With an unfavorable report, with a Minority Report attached.
- Without prejudice.
- With an indefinite postponement report.
- With an indefinite postponement report, with a Minority Report attached.
- With recommendation that it be adopted. (HOUSE RESOLUTION ONLY)

2/24/99

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1999 ✓

H

1

HOUSE RESOLUTION 388

Sponsors: Representatives Adams; Easterling, McAllister, Goodwin, Mosley, Jeffus, and Miller.

Referred to: Rules, Calendar and Operations of the House.

March 10, 1999

1 A HOUSE RESOLUTION URGING THE UNITED STATES SENATE TO
2 ADOPT THE UNITED NATIONS CONVENTION ON THE ELIMINATION OF
3 ALL FORMS OF DISCRIMINATION AGAINST WOMEN.

4 Whereas, the United Nations Convention on the Elimination of All
5 Forms of Discrimination Against Women was adopted by the United Nations General
6 Assembly on December 18, 1979, became an international treaty on September 3,
7 1981; and

8 Whereas, as of March 1999, 162 countries had ratified the Convention
9 and six states had endorsed the United States ratification in their state legislatures;
10 and

11 Whereas, the Convention provides a comprehensive framework for
12 challenging the various forces that have created and sustained discrimination based
13 on sex against half the world's population, and the nations in support of the present
14 Convention have agreed to follow Convention prescriptions; and

15 Whereas, the State of North Carolina shares the goals of the Convention,
16 namely, affirming faith in fundamental human rights, in the dignity and worth of the
17 human person, and in the equal rights of women; and

18 Whereas, although women have made major gains in the struggle for
19 equality in social, business, political, legal, educational, and other fields in this
20 century, there is much yet to be accomplished; and

21 Whereas, the State of North Carolina recognizes the greatly increased
22 interdependence of the people of the world; and

23 Whereas, it is fitting and appropriate to support ratification of the most
24 important international agreement affecting the lives of women throughout the world;
25 Now, therefore,

1 Be it resolved by the House of Representatives:

2 Section 1. The House of Representatives urges the citizens of North
3 Carolina to recognize that we are citizens of the world with responsibilities extending
4 beyond the boundaries of our city, State, and nation. The House of Representatives
5 further urges the United States Senate to ratify the United Nations Convention on the
6 Elimination of All Forms of Discrimination Against Women and to support the
7 Convention's continuing goals.

8 Section 2. The Principal Clerk shall transmit certified copies of this
9 resolution to the Secretary of the Senate and to each member of North Carolina's
10 Congressional Delegation.

11 Section 3. This resolution is effective upon adoption.

In Support of House Resolution 388

Ladies and Gentlemen:

My name is Slater Newman. I am a resident of Raleigh and I chair the coalition, "North Carolinians for the Ratification of CEDAW", which is often referred to as the Women's Treaty. We appreciate your taking the time to consider this resolution, House Resolution 388, and I very much appreciate the opportunity provided here today to speak in its support.

Our coalition is comprised of about 50 organizations. Roughly half of these organizations are statewide such as the Episcopal Church Women, the Business and Professional Women, the American Association of University Women and the American Association of Retired Persons, and about half are regional or local such as the North Carolina Conference of United Methodist Church Women, the Martin County and the Sampson County Councils of Women, and the Young Women's Christian Association of Greensboro, of Wake County and of Wilmington. We are all strongly united in support of this resolution.

Support of this resolution is, we believe, in the interest of the elimination of discrimination against women and more generally in the interest of fair and equal treatment for all - before the law, in access to education and health care, and in economic, social, cultural and public life. Our country played an important role in

drafting this treaty, we signed it many years ago, and it is time, we believe - really it is past time, that our country ratify it. We should join the 163 other countries of the world, including all of our NATO allies, and all of the countries of South and of Central America in support of this Women's Treaty.

Why is our ratification important ? At least two reasons - first, it will give the force of international law to our efforts in behalf of women's rights here at home and second it will give us the credibility to be taken seriously on this issue when we advocate with foreign governments on behalf of human rights."

The adoption of this resolution by your Committee and subsequently, we hope by the entire House, will inform our Congressional delegation, and the country at large, that the State of North Carolina is opposed to all forms of discrimination against women and favors the principles of fair and equal treatment for all.

We respectfully urge your favorable consideration of this resolution.

Thank you very much.

Slater E. Newman

5/19/99 - Raleigh, NC

North Carolinians for Ratification of CEDAW

List of Supporting Organizations

AFLCIO
American Association of Retired Persons (AARP)
American Association of University Women (AAUW)
American Association of University Professors
American Bar Association (ABA)
American Civil Liberties Union (ACLU)
Amnesty International
Business & Professional Women (BPW)
Church Women United, Executive Board of Asheville
Church Women United of Greensboro
Church Women United of Wake County
Community United Church of Christ
Democratic Women of North Carolina
Episcopal Church (*adopted in 1991 and reaffirmed 1998*)
General Federation of Women's Clubs (GFWC)
Human Rights Coalition of NC
Las Amigas, Inc.
League of Women's Voters of North Carolina (LWV)
Martin County Council for Women
National Association of Commission for Women (NACW)
National Association of Social Workers - North Carolina
National Spiritual Assembly of the Bahais
National Organization for Women (NOW)
National Organization for Women (NOW) - Chapel Hill & Durham
National Spiritual Assembly of the Bahais of the US
NC Academy of Trial Lawyers
NC Association of Women Attorneys
NC Committee for Celebration of Human Rights
NC Coalition Against Domestic Violence (NCCADV)
NC Coalition Against Sexual Assault (NCCASA)
NC Council for Women
NC Council of Churches
NC Equity
NC Federation of Business and Professional Women's Clubs
NC National Women's Political Caucus (NWPC)
NC Nurses Association
North Carolina Association of Educators (NCAE)
Older Women's League (OWL) - Triangle
Sampson County Democratic Women, Men & Party
Sampson County Council for Women
Sampson County Retired School Personnel

Sisterhood of Temple Beth Or
U Care Inc. (Sampson County's domestic violence program)
United Church of Christ - Southern Conference
United Methodist Church - NC Conference
United Nations Association - NC Division
Wake County Commission for Women
Wellness Center, Greensboro
Women's Forum of North Carolina
Women's Resource Center of Greensboro, Inc.
Young Women's Christian Association (YWCA) - Greensboro
Young Women's Christian Association (YWCA) - Wake County
Young Women's Christian Association (YWCA) - Wilmington

NOTE: The goal of North Carolinians for the Ratification of CEDAW (NCFR-CEDAW) is to have a resolution introduced during the 1999 session of the North Carolina General Assembly supporting the ratification of CEDAW and seek its enactment. NCFR-CEDAW is bipartisan. Therefore, we will seek support from all legislators of the 1999 General Assembly.

updated 3/31/99

Convention on the Elimination of all forms of Discrimination Against Women

About CEDAW

CEDAW is an international treaty that establishes principles and a platform which State Parties (countries that have ratified) can use to combat discrimination against women. It gives non-governmental organizations a legal way to petition government to uphold its treaty obligations. For example:

Article 6: Obligates State Parties to take measures to suppress traffic in women and the exploitation of prostitution of women.

Article 7: Mandates State Parties to end discrimination against women in political and public life, and to ensure women's equal right to vote, be eligible for election, participate in the formulation of policy, hold office and participate in associations and non-governmental organizations in these spheres.

Article 10: Mandates the end of discrimination against women in education, including professional and vocational training and access to other means of receiving an equal education; as well as to end the use of stereotyped concepts of men and women.

Article 13: Requires that women be ensured the same rights as men in all areas of social and economic life, such as family benefits, mortgages, bank loans and participation in recreational activities and sports.

Article 15: Obligates State Parties to take steps to ensure equality before the law and the same legal capacity to act in such areas as contracts, administration of property and choice of residence.

Status

- **December 18, 1979:** CEDAW adopted by United Nations.

- **July 1980:** U.S. signed.

- **June 1997:** Executive Branch gave its priorities for treaty ratification to Senate Foreign Relations Committee. CEDAW is the only human rights treaty in Category 1, "Treaties for which there is an urgent need for Senate approval."

- **March 1998:** treaty ratified by 161 countries, but not U.S.

Currently, the Convention is stalled in the U.S. Senate Foreign Relations Committee. A favorable majority vote of the committee is needed to move it to the Senate floor, where it must receive 67 votes to ratify (a two-thirds majority). The California, Iowa, Massachusetts, New Hampshire, New York, South Dakota and Vermont legislatures have passed resolutions endorsing ratification.

North Carolinians for the Ratification of CEDAW wants to include the North Carolina legislature on that list!

What Can You Do?

Write, call or e-mail:

Governor James B. Hunt Jr.
116 West Jones Street
Raleigh, N.C. 27603-8001
(919) 733-4240
www.gov.state.nc.us

- Lt. Governor Dennis Wicker

- President Pro Tempore
Marc Basnight

- Speaker of the House Jim Black

- Chair of Women's Legislative Caucus

- State Senators and Representatives
Legislative Building
16 West Jones Street
Raleigh, N.C. 27603
(919) 733-4111

E-mail address for legislators:

FirstNameLastName@ms.ncga.state.nc.us

North Carolina General Assembly's
website: www.ncga.state.nc.us

Also write:

President Bill Clinton
The White House
1600 Pennsylvania Avenue, NW
Washington, D.C. 20500

Secretary of State Madeleine Albright
Department of State
2201 C Street
Washington, D.C. 20520

U.S. Senator Jesse Helms
U.S. Senator John Edwards
Capitol Hill
Washington, D.C. 20510

and members of the
Senate Foreign Relations Committee

For more information on national efforts to
ratify CEDAW contact:

UN/CEDAW
Billie Heller, Chair
520 North Camden Drive
Beverly Hills, CA 90210-3202

National Committee on United Nations/CEDAW
Phone: (310) 271-8087
Fax: (310) 271-2056

**North Carolinians
for the Ratification of
CEDAW**

Contact:

Slater E. Newman, Chair
315 Shepherd Street
Raleigh, N.C. 27607
(919) 821-2014
slaterpat@mindspring.com

or

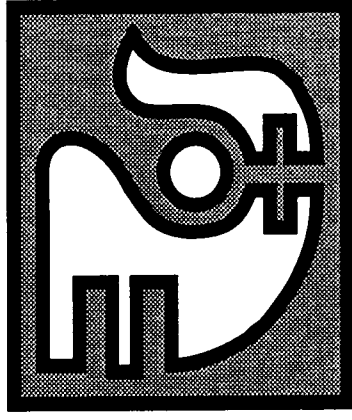
Juanita Bryant, Executive Director
N.C. Council for Women
526 North Wilmington Street
Raleigh, N.C. 27604
(919) 733-2455
Fax: (919) 733-2464
juanita_bryant@mail.doa.state.nc.us

The N.C. Council for Women is an
agency of the
North Carolina Department of
Administration.

Visit the Council for Women's
website at
www.doa.state.nc.us/doa/cfw/cfw.htm

CEDAW

“The Women’s Treaty”



Convention on the
Elimination of all forms of
Discrimination
Against
Women

**1999 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES**

The following report(s) from standing committee(s) is/are presented:

By Representative(s) **CULPEPPER** for the Committee on **RULES, CALENDAR AND OPERATIONS OF THE HOUSE.**

- Committee Substitute for
H.R. 388 A HOUSE RESOLUTION URGING THE UNITED STATES SENATE TO
ADOPT THE UNITED NATIONS CONVENTION ON THE ELIMINATION OF ALL
FORMS OF DISCRIMINATION AGAINST WOMEN.
- With a favorable report.
- With a favorable report and recommendation that the bill be re-referred to the Committee on
Appropriations Finance .
- With a favorable report, as amended.
- With a favorable report, as amended, and recommendation that the bill be re-referred to the
Committee on Appropriations Finance .
- With a favorable report as to committee substitute bill (#), which changes the title,
unfavorable as to (original bill) (Committee Substitute Bill #), (and recommendation
that the committee substitute bill #) be re-referred to the Committee on .)
- With a favorable report as to House committee substitute bill (#), which changes
the title, unfavorable as to Senate committee substitute bill.
- With an unfavorable report.
- With recommendation that the House concur.
- With recommendation that the House do not concur.
- With recommendation that the House do not concur; request conferees.
- With recommendation that the House concur; committee believes bill to be material.
- With an unfavorable report, with a Minority Report attached.
- Without prejudice.
- With an indefinite postponement report.
- With an indefinite postponement report, with a Minority Report attached.
- With recommendation that it be adopted. (HOUSE RESOLUTION ONLY)

2/24/99

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1999

H

1

HOUSE JOINT RESOLUTION 1068

Sponsors: Representatives Alexander, Russell (Primary Sponsors); Allen, Baddour, Barefoot, Bonner, Bowie, Buchanan, Church, Daughtry, Dedmon, Earle, Easterling, Grady, Hackney, Hill, Holmes, McMahan, Mosley, Preston, Rayfield, Sherrill, Sutton, and Yongue.

Referred to: Rules, Calendar and Operations of the House.

April 15, 1999

1 A JOINT RESOLUTION HONORING THE LIFE AND MEMORY OF DR.
2 EDMUND STRUDWICK, THE FIRST PRESIDENT OF THE NORTH
3 CAROLINA MEDICAL SOCIETY, ON THE SOCIETY'S ONE HUNDRED
4 FIFTIETH ANNIVERSARY.

5 Whereas, on April 16, 1849, physicians from eight counties met at the
6 North Carolina Supreme Court to organize the "Medical Society of the State of
7 North Carolina", now known as the "North Carolina Medical Society"; and

8 Whereas, on April 17, 1849, Dr. Edmund Strudwick was elected as the
9 first president of the Medical Society of the State of North Carolina; and

10 Whereas, the North Carolina Medical Society is celebrating the 150th
11 anniversary of its inception; and

12 Whereas, the North Carolina Medical Society has worked throughout its
13 existence to advance the art and science of medicine and to unite, serve, and
14 represent physicians in order to enhance physician advocacy for their patients and
15 improve the health of the people of North Carolina; and

16 Whereas, the North Carolina Medical Society has sought to elevate the
17 standards of medical education and service so that the medical profession can become
18 more capable within itself, more useful in the prevention and cure of disease, and
19 more effective in prolonging and adding comfort to life; and

20 Whereas, the North Carolina Medical Society has unflinchingly pursued its
21 mission of excellence in medicine through advocacy for medical research, clinical
22 care and education so that the medical profession continues to evolve as a highly
23 specialized and capable profession; and

1 Whereas, the North Carolina Medical Society has worked consistently to
2 inform the public of the problems of medical care and public health, and has worked
3 cooperatively with the members of the General Assembly to address important health
4 problems and assure responsible health laws are enacted; and

5 Whereas, the physicians of North Carolina are deeply grateful for the
6 privilege to serve the people of this great State and pledge to continue their work
7 individually and through the North Carolina Medical Society to improve our health
8 care system; Now, therefore,

9 Be it resolved by the House of Representatives, the Senate concurring:

10 Section 1. The General Assembly honors the life and memory of Dr.
11 Edmund Strudwick and expresses appreciation for the contributions he made to the
12 State of North Carolina and to the North Carolina Medical Society. The General
13 Assembly recognizes the historical accomplishments of the North Carolina Medical
14 Society and congratulates the organization on 150 years of dedicated commitment to
15 improve the health of North Carolinians and to advance the art and science of
16 medicine by promoting high standards of scientific rigor and professional competence
17 in our health care system.

18 Section 2. The Secretary of State shall transmit a certified copy of this
19 resolution to the President of the North Carolina Medical Society.

20 Section 3. This resolution is effective upon ratification.

**1999 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES**

The following report(s) from standing committee(s) is/are presented:

By Representative(s) **CULPEPPER** for the Committee on **RULES, CALENDAR AND OPERATIONS OF THE HOUSE.**

- Committee Substitute for
H.J.R. 1068 A JOINT RESOLUTION HONORING THE LIFE AND MEMORY OF DR.
EDMUND STRUDWICK, THE FIRST PRESIDENT OF THE NORTH CAROLINA
MEDICAL SOCIETY, ON THE SOCIETY'S ONE HUNDRED FIFTIETH
ANNIVERSARY.
- With a favorable report.
- With a favorable report and recommendation that the bill be re-referred to the Committee on
Appropriations Finance .
- With a favorable report, as amended.
- With a favorable report, as amended, and recommendation that the bill be re-referred to the
Committee on Appropriations Finance .
- With a favorable report as to committee substitute bill (#), which changes the title,
unfavorable as to (original bill) (Committee Substitute Bill #), (and recommendation
that the committee substitute bill #) be re-referred to the Committee on .)
- With a favorable report as to House committee substitute bill (#), which changes
the title, unfavorable as to Senate committee substitute bill.
- With an unfavorable report.
- With recommendation that the House concur.
- With recommendation that the House do not concur.
- With recommendation that the House do not concur; request conferees.
- With recommendation that the House concur; committee believes bill to be material.
- With an unfavorable report, with a Minority Report attached.
- Without prejudice.
- With an indefinite postponement report.
- With an indefinite postponement report, with a Minority Report attached.
- With recommendation that it be adopted. (HOUSE RESOLUTION ONLY)

2/24/99

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1999

H

1

HOUSE JOINT RESOLUTION 1251

Sponsors: Representatives Womble, Oldham, Decker, Esposito, Gray, and Sexton.

Referred to: Rules, Calendar and Operations of the House.

April 15, 1999

1 A JOINT RESOLUTION HONORING THE LIFE AND MEMORY OF KENNETH
2 R. WILLIAMS, ONE OF WINSTON-SALEM'S MOST PROMINENT CITIZENS.

3 Whereas, Kenneth R. Williams was born on August 16, 1912, in Norfolk,
4 Virginia, to Kenneth R. Williams and Vandelia Perry Williams; and

5 Whereas, Kenneth R. Williams grew up in Winston-Salem, attended the
6 public schools, and graduated from Columbian Heights High School in 1928; and

7 Whereas, Kenneth R. Williams earned a bachelors degree in history from
8 Morehouse College and both a masters and doctorate degree from Boston University;
9 and

10 Whereas, in 1936, Kenneth R. Williams joined the faculty of Winston-
11 Salem Teachers College, now Winston-Salem State University, where he taught
12 history until 1937; and

13 Whereas, from 1937 to 1939, Kenneth R. Williams taught at the Palmer
14 Memorial Institute in Sedalia, North Carolina; and

15 Whereas, in 1938, Kenneth R. Williams married Edythe Williams and to
16 this union three sons, Kenneth, Ronald, and Norman, were born; and

17 Whereas, Kenneth R. Williams served his country during World War II as
18 a Chaplain in the United States Army. He began his tour of duty with the rank of
19 first lieutenant and ended it with the rank of major; and

20 Whereas, after his service in the army, Kenneth R. Williams returned to
21 Winston-Salem State University where he was a history professor, a chaplain, the
22 James A. Gray Professor of Religion, and the Dean of Men from 1946 to 1960; and

23 Whereas, as a result of the social and racial tensions in Winston-Salem
24 and the subsequent unionization of the predominantly African-American workforces
25 at R.J. Reynolds Tobacco Company, Local Union # 22 was formed. In the

1 aftermath, of the 1944 Smith v. Allwright court decision outlawing the all-white
2 voting primary, Local Union # 22's voter registration campaign increased the
3 number of African-American voters in Winston-Salem from 300 to 3,000 in a two-
4 year period; and

5 Whereas, in 1947, Kenneth R. Williams was elected as Winston-Salem's
6 first African-American alderman; and

7 Whereas, Kenneth R. Williams served as an alderman from 1947 to 1951;
8 and

9 Whereas, Kenneth R. Williams was appointed as executive vice-president
10 of Winston-Salem State University in February 1961, as interim president in July
11 1961, and as president in 1962; and

12 Whereas, in 1963, Kenneth R. Williams was sponsored by the United
13 States Department of State and the American Association of Colleges for Teacher
14 Education to travel to Poland to study Polish institutions of higher education; and

15 Whereas, in 1972, Winston-Salem State University became part of The
16 University of North Carolina System and Kenneth R. Williams was named
17 Chancellor, a position he held until his retirement in 1977; and

18 Whereas, Kenneth R. Williams was honored by Winston-Salem State
19 University in 1975 when the 1,800-seat auditorium was named in his honor on
20 campus; and

21 Whereas, in 1978, Kenneth R. Williams was named Chancellor Emeritus
22 by the Winston-Salem State University Board of Trustees; and

23 Whereas, during Kenneth R. Williams' successful tenure at Winston-
24 Salem State University, he began the business administration program, brought the
25 nursing and teacher education programs to prominence, and created the Division of
26 Student Affairs. He also established the R. J. Reynolds Scholars Program in 1970,
27 which increased the pool of talented African-American students at the university; and

28 Whereas, Kenneth R. Williams was a deeply religious man, serving as
29 pastor of First Institution Baptist Church in Winston-Salem from 1937 to 1948 and as
30 pastor of the West End Baptist Church in Winston-Salem from 1949 to 1960; and

31 Whereas, Kenneth R. Williams was a devoted public servant, serving on
32 numerous boards, commissions, and civic organizations, including the North Carolina
33 Parole Board, Forsyth County Mental Health Association, Winston-Salem School
34 Board, Library Board, Winston-Salem Hospital Commission, North Carolina
35 Battleship Commission Board, Winston-Salem Urban League, National Council of
36 Accreditation for Teacher Education, American Association of Colleges for Teacher
37 Education Board, Winston-Salem Red Cross Board, Middle District Court of North
38 Carolina Naturalization Committee, Board of Fellows of Gallaudet College,
39 Northwestern Bank Board of Directors, and Board of Directors of Hospice of
40 Winston-Salem and Forsyth County, Inc.; and

41 Whereas, Kenneth R. Williams received numerous awards and honors,
42 including the Freedom Foundation Award and honorary doctorate degrees from
43 Morehouse College, Wake Forest University, and Southern Illinois University; and

1 Whereas, Kenneth R. Williams was included in Who's Who in America,
2 Who's Who in American Colleges and Universities, and Personalities of the South;
3 and

4 Whereas, Kenneth R. Williams died on December 31, 1989, and is
5 survived by his wife, Edythe Williams, and two sons, Norman Williams and Ronald
6 Williams; and

7 Whereas, with the death of Kenneth R. Williams, his family, Forsyth
8 County, and the State of North Carolina lost a good friend and colleague and an
9 admired and truly distinguished citizen; Now, therefore,

10 Be it resolved by the House of Representatives, the Senate concurring:

11 Section 1. The General Assembly expresses its deep appreciation for the
12 life and accomplishments of Kenneth R. Williams and for the devoted and tireless
13 service he rendered to Winston-Salem State University, the State of North Carolina,
14 and his community.

15 Section 2. The General Assembly extends its deepest sympathy to the
16 family and friends of Kenneth R. Williams for the loss of their loved one.

17 Section 3. The Secretary of State shall transmit a certified copy of this
18 resolution to the family of Kenneth R. Williams.

19 Section 4. This resolution is effective upon ratification.

**1999 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES**

The following report(s) from standing committee(s) is/are presented:

By Representative(s) **Culpepper** for the Committee on **Rules, Calendar and Operations of the House.**

- Committee Substitute for
H.J.R. 1251 A JOINT RESOLUTION HONORING THE LIFE AND MEMORY OF
KENNETH R. WILLIAMS, ONE OF WINSTON-SALEM'S MOST PROMINENT
CITIZENS.
- With a favorable report.
- With a favorable report and recommendation that the bill be re-referred to the Committee on
Appropriations Finance .
- With a favorable report, as amended.
- With a favorable report, as amended, and recommendation that the bill be re-referred to the
Committee on Appropriations Finance .
- With a favorable report as to committee substitute bill (#), which changes the title,
unfavorable as to (original bill) (Committee Substitute Bill #), (and recommendation
that the committee substitute bill #) be re-referred to the Committee on .)
- With a favorable report as to House committee substitute bill (#), which changes
the title, unfavorable as to Senate committee substitute bill.
- With an unfavorable report.
- With recommendation that the House concur.
- With recommendation that the House do not concur.
- With recommendation that the House do not concur; request conferees.
- With recommendation that the House concur; committee believes bill to be material.
- With an unfavorable report, with a Minority Report attached.
- Without prejudice.
- With an indefinite postponement report.
- With an indefinite postponement report, with a Minority Report attached.
- With recommendation that it be adopted. (HOUSE RESOLUTION ONLY)

2/24/99

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1999

H

1

HOUSE BILL 687

Short Title: Guilford County Local Act-3.

(Local)

Sponsors: Representatives Jeffus; and Adams.

Referred to: Rules, Calendar and Operations of the House.

March 30, 1999

1 A BILL TO BE ENTITLED
2 AN ACT RELATING TO GUILFORD COUNTY AND TO THE
3 INCORPORATED MUNICIPALITIES LOCATED IN THAT COUNTY.
4 The General Assembly of North Carolina enacts:
5 Section 1. This act relates to Guilford County and to the incorporated
6 municipalities located in that County.
7 Section 2. This act is effective when it becomes law.

**1999 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES**

The following report(s) from standing committee(s) is/are presented:

By Representative(s) **CULPEPPER** for the Committee on **RULES, CALENDAR AND OPERATIONS OF THE HOUSE.**

Committee Substitute for

H.B. 687 A BILL TO BE ENTITLED AN ACT RELATING TO GUILFORD COUNTY AND TO THE INCORPORATED MUNICIPALITIES LOCATED IN THAT COUNTY.

- With a favorable report.
- With a favorable report and recommendation that the bill be re-referred to the Committee on Appropriations Finance .
- With a favorable report, as amended.
- With a favorable report, as amended, and recommendation that the bill be re-referred to the Committee on Appropriations Finance .
- With a favorable report as to committee substitute bill (#), which changes the title, unfavorable as to (original bill) (Committee Substitute Bill #), (and recommendation that the committee substitute bill #) be re-referred to the Committee on .)
- With a favorable report as to House committee substitute bill (#), which changes the title, unfavorable as to Senate committee substitute bill.
- With an unfavorable report.
- With recommendation that the House concur.
- With recommendation that the House do not concur.
- With recommendation that the House do not concur; request conferees.
- With recommendation that the House concur; committee believes bill to be material.
- With an unfavorable report, with a Minority Report attached.
- Without prejudice.
- With an indefinite postponement report.
- With an indefinite postponement report, with a Minority Report attached.
- With recommendation that it be adopted. (HOUSE RESOLUTION ONLY)

2/24/99

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1999

H

1

HOUSE BILL 688

Short Title: Guilford County Local Act-2.

(Local)

Sponsors: Representatives Jeffus; and Adams.

Referred to: Rules, Calendar and Operations of the House.

March 30, 1999

- 1 A BILL TO BE ENTITLED
2 AN ACT RELATING TO GUILFORD COUNTY AND TO THE
3 INCORPORATED MUNICIPALITIES LOCATED IN THAT COUNTY.
4 The General Assembly of North Carolina enacts:
5 Section 1. This act relates to Guilford County and to the incorporated
6 municipalities located in that County.
7 Section 2. This act is effective when it becomes law.

**1999 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES**

The following report(s) from standing committee(s) is/are presented:

By Representative(s) **CULPEPPER** for the Committee on **RULES, CALENDAR AND OPERATIONS OF THE HOUSE.**

Committee Substitute for

H.B. 688 A BILL TO BE ENTITLED AN ACT RELATING TO GUILFORD COUNTY AND TO THE INCORPORATED MUNICIPALITIES LOCATED IN THAT COUNTY. I

- With a favorable report.
- With a favorable report and recommendation that the bill be re-referred to the Committee on Appropriations Finance .
- With a favorable report, as amended.
- With a favorable report, as amended, and recommendation that the bill be re-referred to the Committee on Appropriations Finance .
- With a favorable report as to committee substitute bill (#), which changes the title, unfavorable as to (original bill) (Committee Substitute Bill #), (and recommendation that the committee substitute bill #) be re-referred to the Committee on .)
- With a favorable report as to House committee substitute bill (#), which changes the title, unfavorable as to Senate committee substitute bill.
- With an unfavorable report.
- With recommendation that the House concur.
- With recommendation that the House do not concur.
- With recommendation that the House do not concur; request conferees.
- With recommendation that the House concur; committee believes bill to be material.
- With an unfavorable report, with a Minority Report attached.
- Without prejudice.
- With an indefinite postponement report.
- With an indefinite postponement report, with a Minority Report attached.
- With recommendation that it be adopted. (HOUSE RESOLUTION ONLY)

2/24/99

**1999 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES**

The following report(s) from standing committee(s) is/are presented:

By Representative(s) **CULPEPPER** for the Committee on **RULES, CALENDAR AND OPERATIONS OF THE HOUSE.**

Committee Substitute for

H.B. 689 A BILL TO BE ENTITLED AN ACT RELATING TO GUILFORD COUNTY AND TO THE INCORPORATED MUNICIPALITIES LOCATED IN THAT COUNTY.

- With a favorable report.
- With a favorable report and recommendation that the bill be re-referred to the Committee on Appropriations Finance .
- With a favorable report, as amended.
- With a favorable report, as amended, and recommendation that the bill be re-referred to the Committee on Appropriations Finance .
- With a favorable report as to committee substitute bill (#), which changes the title, unfavorable as to (original bill) (Committee Substitute Bill #), (and recommendation that the committee substitute bill #) be re-referred to the Committee on .)
- With a favorable report as to House committee substitute bill (#), which changes the title, unfavorable as to Senate committee substitute bill.
- With an unfavorable report.
- With recommendation that the House concur.
- With recommendation that the House do not concur.
- With recommendation that the House do not concur; request conferees.
- With recommendation that the House concur; committee believes bill to be material.
- With an unfavorable report, with a Minority Report attached.
- Without prejudice.
- With an indefinite postponement report.
- With an indefinite postponement report, with a Minority Report attached.
- With recommendation that it be adopted. (HOUSE RESOLUTION ONLY)

2/24/99

**1999 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES**

The following report(s) from standing committee(s) is/are presented:

By Representative(s) **CULPEPPER** for the Committee on **RULES, CALENDAR AND OPERATIONS OF THE HOUSE.**

- Committee Substitute for
H.B. 691 A BILL TO BE ENTITLED AN ACT RELATING TO THE MUNICIPALITIES
LOCATED WITHIN CARTERET COUNTY.
- With a favorable report.
- With a favorable report and recommendation that the bill be re-referred to the Committee on
Appropriations Finance .
- With a favorable report, as amended.
- With a favorable report, as amended, and recommendation that the bill be re-referred to the
Committee on Appropriations Finance .
- With a favorable report as to committee substitute bill (#), which changes the title,
unfavorable as to (original bill) (Committee Substitute Bill #), (and recommendation
that the committee substitute bill #) be re-referred to the Committee on .)
- With a favorable report as to House committee substitute bill (#), which changes
the title, unfavorable as to Senate committee substitute bill.
- With an unfavorable report.
- With recommendation that the House concur.
- With recommendation that the House do not concur.
- With recommendation that the House do not concur; request conferees.
- With recommendation that the House concur; committee believes bill to be material.
- With an unfavorable report, with a Minority Report attached.
- Without prejudice.
- With an indefinite postponement report.
- With an indefinite postponement report, with a Minority Report attached.
- With recommendation that it be adopted. (HOUSE RESOLUTION ONLY)

2/24/99

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1999

H

1

HOUSE BILL 692

Short Title: Carteret Cty Local Act.

(Local)

Sponsors: Representative Preston.

Referred to: Rules, Calendar and Operations of the House.

March 30, 1999

- 1 A BILL TO BE ENTITLED
2 AN ACT RELATING TO CARTERET COUNTY.
3 The General Assembly of North Carolina enacts:
4 Section 1. This act relates to Carteret County.
5 Section 2. This act is effective when it becomes law.

**1999 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES**

The following report(s) from standing committee(s) is/are presented:

By Representative(s) **CULPEPPER** for the Committee on **RULES, CALENDAR AND OPERATIONS OF THE HOUSE.**

- Committee Substitute for
H.B. 692 A BILL TO BE ENTITLED AN ACT RELATING TO CARTERET COUNTY.
- With a favorable report.
- With a favorable report and recommendation that the bill be re-referred to the Committee on Appropriations Finance .
- With a favorable report, as amended.
- With a favorable report, as amended, and recommendation that the bill be re-referred to the Committee on Appropriations Finance .
- With a favorable report as to committee substitute bill (#), which changes the title, unfavorable as to (original bill) (Committee Substitute Bill #), (and recommendation that the committee substitute bill #) be re-referred to the Committee on .)
- With a favorable report as to House committee substitute bill (#), which changes the title, unfavorable as to Senate committee substitute bill.
- With an unfavorable report.
- With recommendation that the House concur.
- With recommendation that the House do not concur.
- With recommendation that the House do not concur; request conferees.
- With recommendation that the House concur; committee believes bill to be material.
- With an unfavorable report, with a Minority Report attached.
- Without prejudice.
- With an indefinite postponement report.
- With an indefinite postponement report, with a Minority Report attached.
- With recommendation that it be adopted. (HOUSE RESOLUTION ONLY)

2/24/99

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 1999

H

1

HOUSE BILL 693

Short Title: Carteret County Local Act.

(Local)

Sponsors: Representative Preston.

Referred to: Rules, Calendar and Operations of the House.

March 30, 1999

- 1 A BILL TO BE ENTITLED
2 AN ACT RELATING TO THE GOVERNANCE OF CARTERET COUNTY.
3 The General Assembly of North Carolina enacts:
4 Section 1. This act applies to Carteret County only.
5 Section 2. This act is effective when it becomes law.

**1999 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES**

The following report(s) from standing committee(s) is/are presented:

By Representative(s) **CULPEPPER** for the Committee on **RULES, CALENDAR AND OPERATIONS OF THE HOUSE.**

Committee Substitute for
H.B. 693 A BILL TO BE ENTITLED AN ACT RELATING TO THE GOVERNANCE OF
CARTERET COUNTY.

- With a favorable report.
- With a favorable report and recommendation that the bill be re-referred to the Committee on Appropriations Finance .
- With a favorable report, as amended.
- With a favorable report, as amended, and recommendation that the bill be re-referred to the Committee on Appropriations Finance .
- With a favorable report as to committee substitute bill (#), which changes the title, unfavorable as to (original bill) (Committee Substitute Bill #), (and recommendation that the committee substitute bill #) be re-referred to the Committee on .)
- With a favorable report as to House committee substitute bill (#), which changes the title, unfavorable as to Senate committee substitute bill.
- With an unfavorable report.
- With recommendation that the House concur.
- With recommendation that the House do not concur.
- With recommendation that the House do not concur; request conferees.
- With recommendation that the House concur; committee believes bill to be material.
- With an unfavorable report, with a Minority Report attached.
- Without prejudice.
- With an indefinite postponement report.
- With an indefinite postponement report, with a Minority Report attached.
- With recommendation that it be adopted. (HOUSE RESOLUTION ONLY)

2/24/99

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1999

H

1

HOUSE BILL 699

Short Title: Rowan County Local Act.

(Local)

Sponsors: Representative McCombs.

Referred to: Rules, Calendar and Operations of the House.

March 30, 1999

- 1 A BILL TO BE ENTITLED
2 AN ACT RELATING TO THE GOVERNANCE OF ROWAN COUNTY.
3 The General Assembly of North Carolina enacts:
4 Section 1. This act applies to Rowan County only.
5 Section 2. This act is effective when it becomes law.

**1999 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES**

The following report(s) from standing committee(s) is/are presented:

By Representative(s) **CULPEPPER** for the Committee on **RULES, CALENDAR AND OPERATIONS OF THE HOUSE.**

Committee Substitute for
H.B. 699 A BILL TO BE ENTITLED AN ACT RELATING TO THE GOVERNANCE OF
ROWAN COUNTY.

With a favorable report.

With a favorable report and recommendation that the bill be re-referred to the Committee on
Appropriations Finance .

With a favorable report, as amended.

With a favorable report, as amended, and recommendation that the bill be re-referred to the
Committee on Appropriations Finance .

With a favorable report as to committee substitute bill (#), which changes the title,
unfavorable as to (original bill) (Committee Substitute Bill #), (and recommendation
that the committee substitute bill #) be re-referred to the Committee on .)

With a favorable report as to House committee substitute bill (#), which changes
the title, unfavorable as to Senate committee substitute bill.

With an unfavorable report.

With recommendation that the House concur.

With recommendation that the House do not concur.

With recommendation that the House do not concur; request conferees.

With recommendation that the House concur; committee believes bill to be material.

With an unfavorable report, with a Minority Report attached.

Without prejudice.

With an indefinite postponement report.

With an indefinite postponement report, with a Minority Report attached.

With recommendation that it be adopted. (HOUSE RESOLUTION ONLY)

2/24/99

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 1999

H

1

HOUSE BILL 700

Short Title: Rowan Cty. Municipalities-1.

(Local)

Sponsors: Representative McCombs.

Referred to: Rules, Calendar and Operations of the House.

March 30, 1999

- 1 A BILL TO BE ENTITLED
2 AN ACT RELATING TO MUNICIPALITIES LOCATED WITHIN ROWAN
3 COUNTY.
4 The General Assembly of North Carolina enacts:
5 Section 1. This act relates to municipalities located within Rowan
6 County.
7 Section 2. This act is effective when it becomes law.

**1999 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES**

The following report(s) from standing committee(s) is/are presented:

By Representative(s) **CULPEPPER** for the Committee on **RULES, CALENDAR AND OPERATIONS OF THE HOUSE.**

Committee Substitute for

H.B. 700 A BILL TO BE ENTITLED AN ACT RELATING TO MUNICIPALITIES
LOCATED WITHIN ROWAN COUNTY.

With a favorable report.

With a favorable report and recommendation that the bill be re-referred to the Committee on
Appropriations Finance .

With a favorable report, as amended.

With a favorable report, as amended, and recommendation that the bill be re-referred to the
Committee on Appropriations Finance .

With a favorable report as to committee substitute bill (#), which changes the title,
unfavorable as to (original bill) (Committee Substitute Bill #), (and recommendation
that the committee substitute bill #) be re-referred to the Committee on .)

With a favorable report as to House committee substitute bill (#), which changes
the title, unfavorable as to Senate committee substitute bill.

With an unfavorable report.

With recommendation that the House concur.

With recommendation that the House do not concur.

With recommendation that the House do not concur; request conferees.

With recommendation that the House concur; committee believes bill to be material.

With an unfavorable report, with a Minority Report attached.

Without prejudice.

With an indefinite postponement report.

With an indefinite postponement report, with a Minority Report attached.

With recommendation that it be adopted. (HOUSE RESOLUTION ONLY)

2/24/99

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1999

H

1

HOUSE BILL 701

Short Title: Rowan Cty. Municipalities-2.

(Local)

Sponsors: Representative McCombs.

Referred to: Rules, Calendar and Operations of the House.

March 30, 1999

1 A BILL TO BE ENTITLED
2 AN ACT RELATING TO MUNICIPALITIES LOCATED WITHIN ROWAN
3 COUNTY.
4 The General Assembly of North Carolina enacts:
5 Section 1. This act relates to municipalities located within Rowan
6 County.
7 Section 2. This act is effective when it becomes law.

**1999 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES**

The following report(s) from standing committee(s) is/are presented:

By Representative(s) **CULPEPPER** for the Committee on **RULES, CALENDAR AND OPERATIONS OF THE HOUSE.**

Committee Substitute for

H.B. 701 A BILL TO BE ENTITLED AN ACT RELATING TO MUNICIPALITIES
LOCATED WITHIN ROWAN COUNTY.

- With a favorable report.
- With a favorable report and recommendation that the bill be re-referred to the Committee on Appropriations Finance .
- With a favorable report, as amended.
- With a favorable report, as amended, and recommendation that the bill be re-referred to the Committee on Appropriations Finance .
- With a favorable report as to committee substitute bill (#), which changes the title, unfavorable as to (original bill) (Committee Substitute Bill #), (and recommendation that the committee substitute bill #) be re-referred to the Committee on .)
- With a favorable report as to House committee substitute bill (#), which changes the title, unfavorable as to Senate committee substitute bill.
- With an unfavorable report.
- With recommendation that the House concur.
- With recommendation that the House do not concur.
- With recommendation that the House do not concur; request conferees.
- With recommendation that the House concur; committee believes bill to be material.
- With an unfavorable report, with a Minority Report attached.
- Without prejudice.
- With an indefinite postponement report.
- With an indefinite postponement report, with a Minority Report attached.
- With recommendation that it be adopted. (HOUSE RESOLUTION ONLY)

2/24/99

**1999 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES**

The following report(s) from standing committee(s) is/are presented:

By Representative(s) **CULPEPPER** for the Committee on **RULES, CALENDAR AND OPERATIONS OF THE HOUSE.**

Committee Substitute for

H.B. 702 A BILL TO BE ENTITLED AN ACT RELATING TO THE CITY OF LEXINGTON.

- With a favorable report.
- With a favorable report and recommendation that the bill be re-referred to the Committee on Appropriations Finance .
- With a favorable report, as amended.
- With a favorable report, as amended, and recommendation that the bill be re-referred to the Committee on Appropriations Finance .
- With a favorable report as to committee substitute bill (#), which changes the title, unfavorable as to (original bill) (Committee Substitute Bill #), (and recommendation that the committee substitute bill #) be re-referred to the Committee on .)
- With a favorable report as to House committee substitute bill (#), which changes the title, unfavorable as to Senate committee substitute bill.
- With an unfavorable report.
- With recommendation that the House concur.
- With recommendation that the House do not concur.
- With recommendation that the House do not concur; request conferees.
- With recommendation that the House concur; committee believes bill to be material.
- With an unfavorable report, with a Minority Report attached.
- Without prejudice.
- With an indefinite postponement report.
- With an indefinite postponement report, with a Minority Report attached.
- With recommendation that it be adopted. (HOUSE RESOLUTION ONLY)

2/24/99

**1999 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES**

The following report(s) from standing committee(s) is/are presented:

By Representative(s) **CULPEPPER** for the Committee on **RULES, CALENDAR AND OPERATIONS OF THE HOUSE.**

- Committee Substitute for
H.B. 703 A BILL TO BE ENTITLED AN ACT RELATING TO THE GOVERNANCE OF
DAVIDSON COUNTY.
- With a favorable report.
- With a favorable report and recommendation that the bill be re-referred to the Committee on
Appropriations Finance .
- With a favorable report, as amended.
- With a favorable report, as amended, and recommendation that the bill be re-referred to the
Committee on Appropriations Finance .
- With a favorable report as to committee substitute bill (#), which changes the title,
unfavorable as to (original bill) (Committee Substitute Bill #), (and recommendation
that the committee substitute bill #) be re-referred to the Committee on .)
- With a favorable report as to House committee substitute bill (#), which changes
the title, unfavorable as to Senate committee substitute bill.
- With an unfavorable report.
- With recommendation that the House concur.
- With recommendation that the House do not concur.
- With recommendation that the House do not concur; request conferees.
- With recommendation that the House concur; committee believes bill to be material.
- With an unfavorable report, with a Minority Report attached.
- Without prejudice.
- With an indefinite postponement report.
- With an indefinite postponement report, with a Minority Report attached.
- With recommendation that it be adopted. (HOUSE RESOLUTION ONLY)

2/24/99

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 1999

H

1

HOUSE BILL 704

Short Title: Thomasville Local Act.

(Local)

Sponsors: Representative McCrary.

Referred to: Rules, Calendar and Operations of the House.

March 30, 1999

- 1 A BILL TO BE ENTITLED
2 AN ACT RELATING TO THE CITY OF THOMASVILLE.
3 The General Assembly of North Carolina enacts:
4 Section 1. This act relates to the City of Thomasville.
5 Section 2. This act is effective when it becomes law.

**1999 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES**

The following report(s) from standing committee(s) is/are presented:

By Representative(s) **CULPEPPER** for the Committee on **RULES, CALENDAR AND OPERATIONS OF THE HOUSE.**

- Committee Substitute for
H.B. 704 A BILL TO BE ENTITLED AN ACT RELATING TO THE CITY OF THOMASVILLE.
- With a favorable report.
- With a favorable report and recommendation that the bill be re-referred to the Committee on Appropriations Finance .
- With a favorable report, as amended.
- With a favorable report, as amended, and recommendation that the bill be re-referred to the Committee on Appropriations Finance .
- With a favorable report as to committee substitute bill (#), which changes the title, unfavorable as to (original bill) (Committee Substitute Bill #), (and recommendation that the committee substitute bill #) be re-referred to the Committee on .)
- With a favorable report as to House committee substitute bill (#), which changes the title, unfavorable as to Senate committee substitute bill.
- With an unfavorable report.
- With recommendation that the House concur.
- With recommendation that the House do not concur.
- With recommendation that the House do not concur; request conferees.
- With recommendation that the House concur; committee believes bill to be material.
- With an unfavorable report, with a Minority Report attached.
- Without prejudice.
- With an indefinite postponement report.
- With an indefinite postponement report, with a Minority Report attached.
- With recommendation that it be adopted. (HOUSE RESOLUTION ONLY)

2/24/99

**1999 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES**

The following report(s) from standing committee(s) is/are presented:

By Representative(s) **CULPEPPER** for the Committee on **RULES, CALENDAR AND OPERATIONS OF THE HOUSE.**

- Committee Substitute for
H.B. 705 A BILL TO BE ENTITLED AN ACT RELATING TO THE GOVERNANCE OF
CUMBERLAND COUNTY.
- With a favorable report.
- With a favorable report and recommendation that the bill be re-referred to the Committee on
Appropriations Finance .
- With a favorable report, as amended.
- With a favorable report, as amended, and recommendation that the bill be re-referred to the
Committee on Appropriations Finance .
- With a favorable report as to committee substitute bill (#), which changes the title,
unfavorable as to (original bill) (Committee Substitute Bill #), (and recommendation
that the committee substitute bill #) be re-referred to the Committee on .)
- With a favorable report as to House committee substitute bill (#), which changes
the title, unfavorable as to Senate committee substitute bill.
- With an unfavorable report.
- With recommendation that the House concur.
- With recommendation that the House do not concur.
- With recommendation that the House do not concur; request conferees.
- With recommendation that the House concur; committee believes bill to be material.
- With an unfavorable report, with a Minority Report attached.
- Without prejudice.
- With an indefinite postponement report.
- With an indefinite postponement report, with a Minority Report attached.
- With recommendation that it be adopted. (HOUSE RESOLUTION ONLY)

2/24/99

**1999 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES**

The following report(s) from standing committee(s) is/are presented:

By Representative(s) **CULPEPPER** for the Committee on **RULES, CALENDAR AND
OPERATIONS OF THE HOUSE.**

Committee Substitute for
H.B. 706 A BILL TO BE ENTITLED AN ACT RELATING TO THE GOVERNANCE OF
CUMBERLAND COUNTY.

- With a favorable report.
- With a favorable report and recommendation that the bill be re-referred to the Committee on Appropriations Finance .
- With a favorable report, as amended.
- With a favorable report, as amended, and recommendation that the bill be re-referred to the Committee on Appropriations Finance .
- With a favorable report as to committee substitute bill (#), which changes the title, unfavorable as to (original bill) (Committee Substitute Bill #), (and recommendation that the committee substitute bill #) be re-referred to the Committee on .)
- With a favorable report as to House committee substitute bill (#), which changes the title, unfavorable as to Senate committee substitute bill.
- With an unfavorable report.
- With recommendation that the House concur.
- With recommendation that the House do not concur.
- With recommendation that the House do not concur; request conferees.
- With recommendation that the House concur; committee believes bill to be material.
- With an unfavorable report, with a Minority Report attached.
- Without prejudice.
- With an indefinite postponement report.
- With an indefinite postponement report, with a Minority Report attached.
- With recommendation that it be adopted. (HOUSE RESOLUTION ONLY)

2/24/99

**1999 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES**

The following report(s) from standing committee(s) is/are presented:

By Representative(s) **CULPEPPER** for the Committee on **RULES, CALENDAR AND OPERATIONS OF THE HOUSE.**

Committee Substitute for
H.B. 709 A BILL TO BE ENTITLED AN ACT RELATING TO THE TOWN OF ANGIER.

- With a favorable report.
- With a favorable report and recommendation that the bill be re-referred to the Committee on Appropriations Finance .
- With a favorable report, as amended.
- With a favorable report, as amended, and recommendation that the bill be re-referred to the Committee on Appropriations Finance .
- With a favorable report as to committee substitute bill (#), which changes the title, unfavorable as to (original bill) (Committee Substitute Bill #), (and recommendation that the committee substitute bill #) be re-referred to the Committee on .)
- With a favorable report as to House committee substitute bill (#), which changes the title, unfavorable as to Senate committee substitute bill.
- With an unfavorable report.
- With recommendation that the House concur.
- With recommendation that the House do not concur.
- With recommendation that the House do not concur; request conferees.
- With recommendation that the House concur; committee believes bill to be material.
- With an unfavorable report, with a Minority Report attached.
- Without prejudice.
- With an indefinite postponement report.
- With an indefinite postponement report, with a Minority Report attached.
- With recommendation that it be adopted. (HOUSE RESOLUTION ONLY)

2/24/99

**1999 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES**

The following report(s) from standing committee(s) is/are presented:

By Representative(s) **CULPEPPER** for the Committee on **RULES, CALENDAR AND OPERATIONS OF THE HOUSE**.

Committee Substitute for
H.B. 716 A BILL TO BE ENTITLED AN ACT RELATING TO THE GOVERNANCE OF
MECKLENBURG COUNTY.

- With a favorable report.
- With a favorable report and recommendation that the bill be re-referred to the Committee on Appropriations Finance .
- With a favorable report, as amended.
- With a favorable report, as amended, and recommendation that the bill be re-referred to the Committee on Appropriations Finance .
- With a favorable report as to committee substitute bill (#), which changes the title, unfavorable as to (original bill) (Committee Substitute Bill #), (and recommendation that the committee substitute bill #) be re-referred to the Committee on .)
- With a favorable report as to House committee substitute bill (#), which changes the title, unfavorable as to Senate committee substitute bill.
- With an unfavorable report.
- With recommendation that the House concur.
- With recommendation that the House do not concur.
- With recommendation that the House do not concur; request conferees.
- With recommendation that the House concur; committee believes bill to be material.
- With an unfavorable report, with a Minority Report attached.
- Without prejudice.
- With an indefinite postponement report.
- With an indefinite postponement report, with a Minority Report attached.
- With recommendation that it be adopted. (HOUSE RESOLUTION ONLY)

2/24/99

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1999

H

1

HOUSE BILL 718

Short Title: Pender Local Act.

(Local)

Sponsors: Representative Warwick.

Referred to: Rules, Calendar and Operations of the House.

March 30, 1999

- 1 A BILL TO BE ENTITLED
2 AN ACT RELATING TO PENDER COUNTY.
3 The General Assembly of North Carolina enacts:
4 Section 1. This act applies to Pender County only.
5 Section 2. This act is effective when it becomes law.

**1999 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES**

The following report(s) from standing committee(s) is/are presented:

By Representative(s) **CULPEPPER** for the Committee on **RULES, CALENDAR AND OPERATIONS OF THE HOUSE.**

Committee Substitute for

H.B. 718 A BILL TO BE ENTITLED AN ACT RELATING TO PENDER COUNTY.

- With a favorable report.
- With a favorable report and recommendation that the bill be re-referred to the Committee on Appropriations Finance .
- With a favorable report, as amended.
- With a favorable report, as amended, and recommendation that the bill be re-referred to the Committee on Appropriations Finance .
- With a favorable report as to committee substitute bill (#), which changes the title, unfavorable as to (original bill) (Committee Substitute Bill #), (and recommendation that the committee substitute bill #) be re-referred to the Committee on .)
- With a favorable report as to House committee substitute bill (#), which changes the title, unfavorable as to Senate committee substitute bill.
- With an unfavorable report.
- With recommendation that the House concur.
- With recommendation that the House do not concur.
- With recommendation that the House do not concur; request conferees.
- With recommendation that the House concur; committee believes bill to be material.
- With an unfavorable report, with a Minority Report attached.
- Without prejudice.
- With an indefinite postponement report.
- With an indefinite postponement report, with a Minority Report attached.
- With recommendation that it be adopted. (HOUSE RESOLUTION ONLY)

2/24/99

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1999

H

1

HOUSE BILL 719

Short Title: Pender Local Act-2.

(Local)

Sponsors: Representative Warwick.

Referred to: Rules, Calendar and Operations of the House.

March 30, 1999

- 1 A BILL TO BE ENTITLED
2 AN ACT RELATING TO PENDER COUNTY.
3 The General Assembly of North Carolina enacts:
4 Section 1. This act applies to Pender County only.
5 Section 2. This act is effective when it becomes law.

**1999 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES**

The following report(s) from standing committee(s) is/are presented:

By Representative(s) **CULPEPPER** for the Committee on **RULES, CALENDAR AND OPERATIONS OF THE HOUSE.**

Committee Substitute for

H.B. 719 A BILL TO BE ENTITLED AN ACT RELATING TO PENDER COUNTY.

With a favorable report.

With a favorable report and recommendation that the bill be re-referred to the Committee on Appropriations Finance .

With a favorable report, as amended.

With a favorable report, as amended, and recommendation that the bill be re-referred to the Committee on Appropriations Finance .

With a favorable report as to committee substitute bill (#), which changes the title, unfavorable as to (original bill) (Committee Substitute Bill #), (and recommendation that the committee substitute bill #) be re-referred to the Committee on .)

With a favorable report as to House committee substitute bill (#), which changes the title, unfavorable as to Senate committee substitute bill.

With an unfavorable report.

With recommendation that the House concur.

With recommendation that the House do not concur.

With recommendation that the House do not concur; request conferees.

With recommendation that the House concur; committee believes bill to be material.

With an unfavorable report, with a Minority Report attached.

Without prejudice.

With an indefinite postponement report.

With an indefinite postponement report, with a Minority Report attached.

With recommendation that it be adopted. (HOUSE RESOLUTION ONLY)

2/24/99

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1999

H

1

HOUSE BILL 720

Short Title: Sampson Local Act.

(Local)

Sponsors: Representative Warwick.

Referred to: Rules, Calendar and Operations of the House.

March 30, 1999

- 1 A BILL TO BE ENTITLED
2 AN ACT RELATING TO SAMPSON COUNTY.
3 The General Assembly of North Carolina enacts:
4 Section 1. This act applies to Sampson County only.
5 Section 2. This act is effective when it becomes law.

**1999 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES**

The following report(s) from standing committee(s) is/are presented:

By Representative(s) **CULPEPPER** for the Committee on **RULES, CALENDAR AND OPERATIONS OF THE HOUSE.**

- Committee Substitute for
H.B. 720 A BILL TO BE ENTITLED AN ACT RELATING TO SAMPSON COUNTY.
- With a favorable report.
- With a favorable report and recommendation that the bill be re-referred to the Committee on Appropriations Finance .
- With a favorable report, as amended.
- With a favorable report, as amended, and recommendation that the bill be re-referred to the Committee on Appropriations Finance .
- With a favorable report as to committee substitute bill (#), which changes the title, unfavorable as to (original bill) (Committee Substitute Bill #), (and recommendation that the committee substitute bill #) be re-referred to the Committee on .)
- With a favorable report as to House committee substitute bill (#), which changes the title, unfavorable as to Senate committee substitute bill.
- With an unfavorable report.
- With recommendation that the House concur.
- With recommendation that the House do not concur.
- With recommendation that the House do not concur; request conferees.
- With recommendation that the House concur; committee believes bill to be material.
- With an unfavorable report, with a Minority Report attached.
- Without prejudice.
- With an indefinite postponement report.
- With an indefinite postponement report, with a Minority Report attached.
- With recommendation that it be adopted. (HOUSE RESOLUTION ONLY)

2/24/99

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1999

H

1

HOUSE BILL 721

Short Title: Sampson Local Act.

(Local)

Sponsors: Representative Warwick.

Referred to: Rules, Calendar and Operations of the House.

March 30, 1999

- 1 A BILL TO BE ENTITLED
2 AN ACT RELATING TO SAMPSON COUNTY.
3 The General Assembly of North Carolina enacts:
4 Section 1. This act applies to Sampson County only.
5 Section 2. This act is effective when it becomes law.

**1999 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES**

The following report(s) from standing committee(s) is/are presented:

By Representative(s) **CULPEPPER** for the Committee on **RULES, CALENDAR AND
OPERATIONS OF THE HOUSE.**

- Committee Substitute for
H.B. 721 A BILL TO BE ENTITLED AN ACT RELATING TO SAMPSON COUNTY.
- With a favorable report.
- With a favorable report and recommendation that the bill be re-referred to the Committee on Appropriations Finance .
- With a favorable report, as amended.
- With a favorable report, as amended, and recommendation that the bill be re-referred to the Committee on Appropriations Finance .
- With a favorable report as to committee substitute bill (#), which changes the title, unfavorable as to (original bill) (Committee Substitute Bill #), (and recommendation that the committee substitute bill #) be re-referred to the Committee on .)
- With a favorable report as to House committee substitute bill (#), which changes the title, unfavorable as to Senate committee substitute bill.
- With an unfavorable report.
- With recommendation that the House concur.
- With recommendation that the House do not concur.
- With recommendation that the House do not concur; request conferees.
- With recommendation that the House concur; committee believes bill to be material.
- With an unfavorable report, with a Minority Report attached.
- Without prejudice.
- With an indefinite postponement report.
- With an indefinite postponement report, with a Minority Report attached.
- With recommendation that it be adopted. (HOUSE RESOLUTION ONLY)

2/24/99

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1999

H

1

HOUSE BILL 725

Short Title: 94th House District Local Act-2.

(Local)

Sponsors: Representative Dockham.

Referred to: Rules, Calendar and Operations of the House.

March 30, 1999

1 A BILL TO BE ENTITLED
2 AN ACT RELATING TO THE 94TH HOUSE DISTRICT.
3 The General Assembly of North Carolina enacts:
4 Section 1. This act relates to the 94th House District.
5 Section 2. This act is effective when it becomes law.

**1999 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES**

The following report(s) from standing committee(s) is/are presented:

By Representative(s) **CULPEPPER** for the Committee on **RULES, CALENDAR AND OPERATIONS OF THE HOUSE**.

Committee Substitute for

H.B. 725 A BILL TO BE ENTITLED AN ACT RELATING TO THE 94TH HOUSE DISTRICT.

With a favorable report.

With a favorable report and recommendation that the bill be re-referred to the Committee on Appropriations Finance .

With a favorable report, as amended.

With a favorable report, as amended, and recommendation that the bill be re-referred to the Committee on Appropriations Finance .

With a favorable report as to committee substitute bill (# _____), which changes the title, unfavorable as to (original bill) (Committee Substitute Bill # _____), (and recommendation that the committee substitute bill # _____) be re-referred to the Committee on _____.)

With a favorable report as to House committee substitute bill (# _____), which changes the title, unfavorable as to Senate committee substitute bill.

With an unfavorable report.

With recommendation that the House concur.

With recommendation that the House do not concur.

With recommendation that the House do not concur; request conferees.

With recommendation that the House concur; committee believes bill to be material.

With an unfavorable report, with a Minority Report attached.

Without prejudice.

With an indefinite postponement report.

With an indefinite postponement report, with a Minority Report attached.

With recommendation that it be adopted. (HOUSE RESOLUTION ONLY)

2/24/99

**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 1999**

H

1

HOUSE BILL 726

Short Title: 94th House District Local Act-1.

(Local)

Sponsors: Representative Dockham.

Referred to: Rules, Calendar and Operations of the House.

March 30, 1999

- 1 A BILL TO BE ENTITLED
2 AN ACT RELATING TO THE 94TH HOUSE DISTRICT.
3 The General Assembly of North Carolina enacts:
4 Section 1. This act relates to the 94th House District.
5 Section 2. This act is effective when it becomes law.

**1999 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES**

The following report(s) from standing committee(s) is/are presented:

By Representative(s) **CULPEPPER** for the Committee on **RULES, CALENDAR AND OPERATIONS OF THE HOUSE**.

Committee Substitute for

H.B. 726 A BILL TO BE ENTITLED AN ACT RELATING TO THE 94TH HOUSE DISTRICT.

- With a favorable report.
- With a favorable report and recommendation that the bill be re-referred to the Committee on Appropriations Finance .
- With a favorable report, as amended.
- With a favorable report, as amended, and recommendation that the bill be re-referred to the Committee on Appropriations Finance .
- With a favorable report as to committee substitute bill (#), which changes the title, unfavorable as to (original bill) (Committee Substitute Bill #), (and recommendation that the committee substitute bill #) be re-referred to the Committee on .)
- With a favorable report as to House committee substitute bill (#), which changes the title, unfavorable as to Senate committee substitute bill.
- With an unfavorable report.
- With recommendation that the House concur.
- With recommendation that the House do not concur.
- With recommendation that the House do not concur; request conferees.
- With recommendation that the House concur; committee believes bill to be material.
- With an unfavorable report, with a Minority Report attached.
- Without prejudice.
- With an indefinite postponement report.
- With an indefinite postponement report, with a Minority Report attached.
- With recommendation that it be adopted. (HOUSE RESOLUTION ONLY)

2/24/99

**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 1999**

H

1

HOUSE BILL 727

Short Title: 94th House District Local Act-3.

(Local)

Sponsors: Representative Dockham.

Referred to: Rules, Calendar and Operations of the House.

March 30, 1999

1 A BILL TO BE ENTITLED
2 AN ACT RELATING TO THE 94TH HOUSE DISTRICT.
3 The General Assembly of North Carolina enacts:
4 Section 1. This act relates to the 94th House District.
5 Section 2. This act is effective when it becomes law.

**1999 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES**

The following report(s) from standing committee(s) is/are presented:

By Representative(s) **CULPEPPER** for the Committee on **RULES, CALENDAR AND
OPERATIONS OF THE HOUSE.**

- Committee Substitute for
H.B. 727 A BILL TO BE ENTITLED AN ACT RELATING TO THE 94TH HOUSE
DISTRICT.
- With a favorable report.
- With a favorable report and recommendation that the bill be re-referred to the Committee on
Appropriations Finance .
- With a favorable report, as amended.
- With a favorable report, as amended, and recommendation that the bill be re-referred to the
Committee on Appropriations Finance .
- With a favorable report as to committee substitute bill (#), which changes the title,
unfavorable as to (original bill) (Committee Substitute Bill #), (and recommendation
that the committee substitute bill #) be re-referred to the Committee on .)
- With a favorable report as to House committee substitute bill (#), which changes
the title, unfavorable as to Senate committee substitute bill.
- With an unfavorable report.
- With recommendation that the House concur.
- With recommendation that the House do not concur.
- With recommendation that the House do not concur; request conferees.
- With recommendation that the House concur; committee believes bill to be material.
- With an unfavorable report, with a Minority Report attached.
- Without prejudice.
- With an indefinite postponement report.
- With an indefinite postponement report, with a Minority Report attached.
- With recommendation that it be adopted. (HOUSE RESOLUTION ONLY)

2/24/99

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 1999

H

1

HOUSE BILL 730

Short Title: Wilson Local Act.

(Local)

Sponsors: Representative Tolson.

Referred to: Rules, Calendar and Operations of the House.

March 30, 1999

- 1 A BILL TO BE ENTITLED
2 AN ACT RELATING TO THE TOWN OF WILSON.
3 The General Assembly of North Carolina enacts:
4 Section 1. This act relates to the Town of Wilson.
5 Section 2. This act is effective when it becomes law.

**1999 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES**

The following report(s) from standing committee(s) is/are presented:

By Representative(s) **CULPEPPER** for the Committee on **RULES, CALENDAR AND OPERATIONS OF THE HOUSE.**

Committee Substitute for
H.B. 730 A BILL TO BE ENTITLED AN ACT RELATING TO THE TOWN OF WILSON.

- With a favorable report.
- With a favorable report and recommendation that the bill be re-referred to the Committee on Appropriations Finance .
- With a favorable report, as amended.
- With a favorable report, as amended, and recommendation that the bill be re-referred to the Committee on Appropriations Finance .
- With a favorable report as to committee substitute bill (#), which changes the title, unfavorable as to (original bill) (Committee Substitute Bill #), (and recommendation that the committee substitute bill #) be re-referred to the Committee on .)
- With a favorable report as to House committee substitute bill (#), which changes the title, unfavorable as to Senate committee substitute bill.
- With an unfavorable report.
- With recommendation that the House concur.
- With recommendation that the House do not concur.
- With recommendation that the House do not concur; request conferees.
- With recommendation that the House concur; committee believes bill to be material.
- With an unfavorable report, with a Minority Report attached.
- Without prejudice.
- With an indefinite postponement report.
- With an indefinite postponement report, with a Minority Report attached.
- With recommendation that it be adopted. (HOUSE RESOLUTION ONLY)

2/24/99

**1999 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES**

The following report(s) from standing committee(s) is/are presented:

By Representative(s) **CULPEPPER** for the Committee on **RULES, CALENDAR AND OPERATIONS OF THE HOUSE.**

Committee Substitute for

H.B. 737 A BILL TO BE ENTITLED AN ACT RELATING TO THE TOWN OF PLYMOUTH.

- With a favorable report.
- With a favorable report and recommendation that the bill be re-referred to the Committee on Appropriations Finance .
- With a favorable report, as amended.
- With a favorable report, as amended, and recommendation that the bill be re-referred to the Committee on Appropriations Finance .
- With a favorable report as to committee substitute bill (#), which changes the title, unfavorable as to (original bill) (Committee Substitute Bill #), (and recommendation that the committee substitute bill #) be re-referred to the Committee on .)
- With a favorable report as to House committee substitute bill (#), which changes the title, unfavorable as to Senate committee substitute bill.
- With an unfavorable report.
- With recommendation that the House concur.
- With recommendation that the House do not concur.
- With recommendation that the House do not concur; request conferees.
- With recommendation that the House concur; committee believes bill to be material.
- With an unfavorable report, with a Minority Report attached.
- Without prejudice.
- With an indefinite postponement report.
- With an indefinite postponement report, with a Minority Report attached.
- With recommendation that it be adopted. (HOUSE RESOLUTION ONLY)

2/24/99

**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 1999**

H

1

HOUSE BILL 745

Short Title: Dare Local Act.

(Local)

Sponsors: Representative Culpepper.

Referred to: Rules, Calendar and Operations of the House.

March 30, 1999

- 1 **A BILL TO BE ENTITLED**
- 2 **AN ACT RELATING TO DARE COUNTY.**
- 3 **The General Assembly of North Carolina enacts:**
- 4 **Section 1. This act relates to Dare County.**
- 5 **Section 2. This act is effective when it becomes law.**

**1999 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES**

The following report(s) from standing committee(s) is/are presented:

By Representative(s) **CULPEPPER** for the Committee on **RULES, CALENDAR AND
OPERATIONS OF THE HOUSE.**

- Committee Substitute for
H.B. 745 A BILL TO BE ENTITLED AN ACT RELATING TO DARE COUNTY.
- With a favorable report.
- With a favorable report and recommendation that the bill be re-referred to the Committee on Appropriations Finance .
- With a favorable report, as amended.
- With a favorable report, as amended, and recommendation that the bill be re-referred to the Committee on Appropriations Finance .
- With a favorable report as to committee substitute bill (#), which changes the title, unfavorable as to (original bill) (Committee Substitute Bill #), (and recommendation that the committee substitute bill #) be re-referred to the Committee on .)
- With a favorable report as to House committee substitute bill (#), which changes the title, unfavorable as to Senate committee substitute bill.
- With an unfavorable report.
- With recommendation that the House concur.
- With recommendation that the House do not concur.
- With recommendation that the House do not concur; request conferees.
- With recommendation that the House concur; committee believes bill to be material.
- With an unfavorable report, with a Minority Report attached.
- Without prejudice.
- With an indefinite postponement report.
- With an indefinite postponement report, with a Minority Report attached.
- With recommendation that it be adopted. (HOUSE RESOLUTION ONLY)

2/24/99

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1999

H

1

HOUSE BILL 757

Short Title: Wake County Local Act-1.

(Local)

Sponsors: Representative Miner.

Referred to: Rules, Calendar and Operations of the House.

March 31, 1999

- 1 A BILL TO BE ENTITLED
2 AN ACT RELATING TO THE GOVERNANCE OF WAKE COUNTY.
3 The General Assembly of North Carolina enacts:
4 Section 1. This act applies to Wake County only.
5 Section 2. This act is effective when it becomes law.

**1999 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES**

The following report(s) from standing committee(s) is/are presented:

By Representative(s) **CULPEPPER** for the Committee on **RULES, CALENDAR AND OPERATIONS OF THE HOUSE.**

Committee Substitute for

H.B. 757 A BILL TO BE ENTITLED AN ACT RELATING TO THE GOVERNANCE OF WAKE COUNTY.

- With a favorable report.
- With a favorable report and recommendation that the bill be re-referred to the Committee on Appropriations Finance .
- With a favorable report, as amended.
- With a favorable report, as amended, and recommendation that the bill be re-referred to the Committee on Appropriations Finance .
- With a favorable report as to committee substitute bill (#), which changes the title, unfavorable as to (original bill) (Committee Substitute Bill #), (and recommendation that the committee substitute bill #) be re-referred to the Committee on .)
- With a favorable report as to House committee substitute bill (#), which changes the title, unfavorable as to Senate committee substitute bill.
- With an unfavorable report.
- With recommendation that the House concur.
- With recommendation that the House do not concur.
- With recommendation that the House do not concur; request conferees.
- With recommendation that the House concur; committee believes bill to be material.
- With an unfavorable report, with a Minority Report attached.
- Without prejudice.
- With an indefinite postponement report.
- With an indefinite postponement report, with a Minority Report attached.
- With recommendation that it be adopted. (HOUSE RESOLUTION ONLY)

2/24/99

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1999

H

1

HOUSE BILL 758

Short Title: Wake County Local Act-3.

(Local)

Sponsors: Representative Miner.

Referred to: Rules, Calendar and Operations of the House.

March 31, 1999

- 1 A BILL TO BE ENTITLED
2 AN ACT RELATING TO THE GOVERNANCE OF WAKE COUNTY.
3 The General Assembly of North Carolina enacts:
4 Section 1. This act applies to Wake County only.
5 Section 2. This act is effective when it becomes law.

**1999 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES**

The following report(s) from standing committee(s) is/are presented:

By Representative(s) **CULPEPPER** for the Committee on **RULES, CALENDAR AND OPERATIONS OF THE HOUSE.**

Committee Substitute for
H.B. 758 A BILL TO BE ENTITLED AN ACT RELATING TO THE GOVERNANCE OF
WAKE COUNTY.

- With a favorable report.
- With a favorable report and recommendation that the bill be re-referred to the Committee on Appropriations Finance .
- With a favorable report, as amended.
- With a favorable report, as amended, and recommendation that the bill be re-referred to the Committee on Appropriations Finance .
- With a favorable report as to committee substitute bill (#), which changes the title, unfavorable as to (original bill) (Committee Substitute Bill #), (and recommendation that the committee substitute bill #) be re-referred to the Committee on .)
- With a favorable report as to House committee substitute bill (#), which changes the title, unfavorable as to Senate committee substitute bill.
- With an unfavorable report.
- With recommendation that the House concur.
- With recommendation that the House do not concur.
- With recommendation that the House do not concur; request conferees.
- With recommendation that the House concur; committee believes bill to be material.
- With an unfavorable report, with a Minority Report attached.
- Without prejudice.
- With an indefinite postponement report.
- With an indefinite postponement report, with a Minority Report attached.
- With recommendation that it be adopted. (HOUSE RESOLUTION ONLY)

2/24/99

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1999

H

1

HOUSE BILL 759

Short Title: Wake County Local Act-2.

(Local)

Sponsors: Representative Miner.

Referred to: Rules, Calendar and Operations of the House.

March 31, 1999

- 1 A BILL TO BE ENTITLED
- 2 AN ACT RELATING TO THE GOVERNANCE OF WAKE COUNTY.
- 3 The General Assembly of North Carolina enacts:
- 4 Section 1. This act applies to Wake County only.
- 5 Section 2. This act is effective when it becomes law.

**1999 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES**

The following report(s) from standing committee(s) is/are presented:

By Representative(s) **CULPEPPER** for the Committee on **RULES, CALENDAR AND OPERATIONS OF THE HOUSE.**

Committee Substitute for
H.B. 759 A BILL TO BE ENTITLED AN ACT RELATING TO THE GOVERNANCE OF
WAKE COUNTY.

- With a favorable report.
- With a favorable report and recommendation that the bill be re-referred to the Committee on Appropriations Finance .
- With a favorable report, as amended.
- With a favorable report, as amended, and recommendation that the bill be re-referred to the Committee on Appropriations Finance .
- With a favorable report as to committee substitute bill (#), which changes the title, unfavorable as to (original bill) (Committee Substitute Bill #), (and recommendation that the committee substitute bill #) be re-referred to the Committee on .)
- With a favorable report as to House committee substitute bill (#), which changes the title, unfavorable as to Senate committee substitute bill.
- With an unfavorable report.
- With recommendation that the House concur.
- With recommendation that the House do not concur.
- With recommendation that the House do not concur; request conferees.
- With recommendation that the House concur; committee believes bill to be material.
- With an unfavorable report, with a Minority Report attached.
- Without prejudice.
- With an indefinite postponement report.
- With an indefinite postponement report, with a Minority Report attached.
- With recommendation that it be adopted. (HOUSE RESOLUTION ONLY)

2/24/99

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1999

H

1

HOUSE BILL 766

Short Title: Alexander Local Act.

(Local)

Sponsors: Representative Brown.

Referred to: Rules, Calendar and Operations of the House.

March 31, 1999

- 1 A BILL TO BE ENTITLED
2 AN ACT RELATING TO ALEXANDER COUNTY.
3 The General Assembly of North Carolina enacts:
4 Section 1. This act applies to Alexander County only.
5 Section 2. This act is effective when it becomes law.

**1999 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES**

The following report(s) from standing committee(s) is/are presented:

By Representative(s) **CULPEPPER** for the Committee on **RULES, CALENDAR AND OPERATIONS OF THE HOUSE.**

Committee Substitute for
H.B. 766 A BILL TO BE ENTITLED AN ACT RELATING TO ALEXANDER COUNTY.

- With a favorable report.
- With a favorable report and recommendation that the bill be re-referred to the Committee on Appropriations Finance .
- With a favorable report, as amended.
- With a favorable report, as amended, and recommendation that the bill be re-referred to the Committee on Appropriations Finance .
- With a favorable report as to committee substitute bill (#), which changes the title, unfavorable as to (original bill) (Committee Substitute Bill #), (and recommendation that the committee substitute bill #) be re-referred to the Committee on .)
- With a favorable report as to House committee substitute bill (#), which changes the title, unfavorable as to Senate committee substitute bill.
- With an unfavorable report.
- With recommendation that the House concur.
- With recommendation that the House do not concur.
- With recommendation that the House do not concur; request conferees.
- With recommendation that the House concur; committee believes bill to be material.
- With an unfavorable report, with a Minority Report attached.
- Without prejudice.
- With an indefinite postponement report.
- With an indefinite postponement report, with a Minority Report attached.
- With recommendation that it be adopted. (HOUSE RESOLUTION ONLY)

2/24/99

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1999

H

1

HOUSE BILL 768

Short Title: Pender Local Act-2.

(Local)

Sponsors: Representative Wright.

Referred to: Rules, Calendar and Operations of the House.

March 31, 1999

- 1 A BILL TO BE ENTITLED
2 AN ACT RELATING TO THE GOVERNANCE OF PENDER COUNTY.
3 The General Assembly of North Carolina enacts:
4 Section 1. This act applies to Pender County only.
5 Section 2. This act is effective when it becomes law.

**1999 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES**

The following report(s) from standing committee(s) is/are presented:

By Representative(s) **CULPEPPER** for the Committee on **RULES, CALENDAR AND OPERATIONS OF THE HOUSE.**

- Committee Substitute for
H.B. 768 A BILL TO BE ENTITLED AN ACT RELATING TO THE GOVERNANCE OF
PENDER COUNTY.
- With a favorable report.
- With a favorable report and recommendation that the bill be re-referred to the Committee on
Appropriations Finance .
- With a favorable report, as amended.
- With a favorable report, as amended, and recommendation that the bill be re-referred to the
Committee on Appropriations Finance .
- With a favorable report as to committee substitute bill (#), which changes the title,
unfavorable as to (original bill) (Committee Substitute Bill #), (and recommendation
that the committee substitute bill #) be re-referred to the Committee on .)
- With a favorable report as to House committee substitute bill (#), which changes
the title, unfavorable as to Senate committee substitute bill.
- With an unfavorable report.
- With recommendation that the House concur.
- With recommendation that the House do not concur.
- With recommendation that the House do not concur; request conferees.
- With recommendation that the House concur; committee believes bill to be material.
- With an unfavorable report, with a Minority Report attached.
- Without prejudice.
- With an indefinite postponement report.
- With an indefinite postponement report, with a Minority Report attached.
- With recommendation that it be adopted. (HOUSE RESOLUTION ONLY)

2/24/99

**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 1999**

H

1

HOUSE BILL 769

Short Title: Pender Local Act-1.

(Local)

Sponsors: Representative Wright.

Referred to: Rules, Calendar and Operations of the House.

March 31, 1999

- 1 A BILL TO BE ENTITLED
2 AN ACT RELATING TO THE GOVERNANCE OF PENDER COUNTY.
3 The General Assembly of North Carolina enacts:
4 Section 1. This act applies to Pender County only.
5 Section 2. This act is effective when it becomes law.

**1999 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES**

The following report(s) from standing committee(s) is/are presented:

By Representative(s) **CULPEPPER** for the Committee on **RULES, CALENDAR AND OPERATIONS OF THE HOUSE.**

Committee Substitute for
H.B. 769 A BILL TO BE ENTITLED AN ACT RELATING TO THE GOVERNANCE OF
PENDER COUNTY.

- With a favorable report.
- With a favorable report and recommendation that the bill be re-referred to the Committee on Appropriations Finance .
- With a favorable report, as amended.
- With a favorable report, as amended, and recommendation that the bill be re-referred to the Committee on Appropriations Finance .
- With a favorable report as to committee substitute bill (#), which changes the title, unfavorable as to (original bill) (Committee Substitute Bill #), (and recommendation that the committee substitute bill #) be re-referred to the Committee on .)
- With a favorable report as to House committee substitute bill (#), which changes the title, unfavorable as to Senate committee substitute bill.
- With an unfavorable report.
- With recommendation that the House concur.
- With recommendation that the House do not concur.
- With recommendation that the House do not concur; request conferees.
- With recommendation that the House concur; committee believes bill to be material.
- With an unfavorable report, with a Minority Report attached.
- Without prejudice.
- With an indefinite postponement report.
- With an indefinite postponement report, with a Minority Report attached.
- With recommendation that it be adopted. (HOUSE RESOLUTION ONLY)

2/24/99

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1999

H

1

HOUSE BILL 770

Short Title: Navassa Local Act-2.

(Local)

Sponsors: Representative Wright.

Referred to: Rules, Calendar and Operations of the House.

March 31, 1999

- 1 A BILL TO BE ENTITLED
2 AN ACT RELATING TO THE TOWN OF NAVASSA.
3 The General Assembly of North Carolina enacts:
4 Section 1. This act relates to the Town of Navassa.
5 Section 2. This act is effective when it becomes law.

**1999 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES**

The following report(s) from standing committee(s) is/are presented:

By Representative(s) **CULPEPPER** for the Committee on **RULES, CALENDAR AND OPERATIONS OF THE HOUSE.**

Committee Substitute for

H.B. 770 A BILL TO BE ENTITLED AN ACT RELATING TO THE TOWN OF NAVASSA.

With a favorable report.

With a favorable report and recommendation that the bill be re-referred to the Committee on Appropriations Finance .

With a favorable report, as amended.

With a favorable report, as amended, and recommendation that the bill be re-referred to the Committee on Appropriations Finance .

With a favorable report as to committee substitute bill (#), which changes the title, unfavorable as to (original bill) (Committee Substitute Bill #), (and recommendation that the committee substitute bill #) be re-referred to the Committee on .)

With a favorable report as to House committee substitute bill (#), which changes the title, unfavorable as to Senate committee substitute bill.

With an unfavorable report.

With recommendation that the House concur.

With recommendation that the House do not concur.

With recommendation that the House do not concur; request conferees.

With recommendation that the House concur; committee believes bill to be material.

With an unfavorable report, with a Minority Report attached.

Without prejudice.

With an indefinite postponement report.

With an indefinite postponement report, with a Minority Report attached.

With recommendation that it be adopted. (HOUSE RESOLUTION ONLY)

2/24/99

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 1999

H

1

HOUSE BILL 771

Short Title: Navassa Local Act-1.

(Local)

Sponsors: Representative Wright.

Referred to: Rules, Calendar and Operations of the House.

March 31, 1999

- 1 A BILL TO BE ENTITLED
2 AN ACT RELATING TO THE TOWN OF NAVASSA.
3 The General Assembly of North Carolina enacts:
4 Section 1. This act relates to the Town of Navassa.
5 Section 2. This act is effective when it becomes law.

**1999 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES**

The following report(s) from standing committee(s) is/are presented:

By Representative(s) **CULPEPPER** for the Committee on **RULES, CALENDAR AND OPERATIONS OF THE HOUSE**.

- Committee Substitute for
H.B. 771 A BILL TO BE ENTITLED AN ACT RELATING TO THE TOWN OF
NAVASSA.
- With a favorable report.
- With a favorable report and recommendation that the bill be re-referred to the Committee on
Appropriations Finance .
- With a favorable report, as amended.
- With a favorable report, as amended, and recommendation that the bill be re-referred to the
Committee on Appropriations Finance .
- With a favorable report as to committee substitute bill (#), which changes the title,
unfavorable as to (original bill) (Committee Substitute Bill #), (and recommendation
that the committee substitute bill #) be re-referred to the Committee on .)
- With a favorable report as to House committee substitute bill (#), which changes
the title, unfavorable as to Senate committee substitute bill.
- With an unfavorable report.
- With recommendation that the House concur.
- With recommendation that the House do not concur.
- With recommendation that the House do not concur; request conferees.
- With recommendation that the House concur; committee believes bill to be material.
- With an unfavorable report, with a Minority Report attached.
- Without prejudice.
- With an indefinite postponement report.
- With an indefinite postponement report, with a Minority Report attached.
- With recommendation that it be adopted. (HOUSE RESOLUTION ONLY)

2/24/99

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1999

H

1

HOUSE BILL 773

Short Title: New Hanover Local Act-1.

(Local)

Sponsors: Representative Wright.

Referred to: Rules, Calendar and Operations of the House.

March 31, 1999

- 1 A BILL TO BE ENTITLED
- 2 AN ACT RELATING TO THE GOVERNANCE OF NEW HANOVER COUNTY.
- 3 The General Assembly of North Carolina enacts:
- 4 Section 1. This act applies to New Hanover County only.
- 5 Section 2. This act is effective when it becomes law.

**1999 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES**

The following report(s) from standing committee(s) is/are presented:

By Representative(s) **CULPEPPER** for the Committee on **RULES, CALENDAR AND OPERATIONS OF THE HOUSE**.

Committee Substitute for
H.B. 773 A BILL TO BE ENTITLED AN ACT RELATING TO THE GOVERNANCE OF
NEW HANOVER COUNTY.

- With a favorable report.
- With a favorable report and recommendation that the bill be re-referred to the Committee on Appropriations Finance .
- With a favorable report, as amended.
- With a favorable report, as amended, and recommendation that the bill be re-referred to the Committee on Appropriations Finance .
- With a favorable report as to committee substitute bill (#), which changes the title, unfavorable as to (original bill) (Committee Substitute Bill #), (and recommendation that the committee substitute bill #) be re-referred to the Committee on .)
- With a favorable report as to House committee substitute bill (#), which changes the title, unfavorable as to Senate committee substitute bill.
- With an unfavorable report.
- With recommendation that the House concur.
- With recommendation that the House do not concur.
- With recommendation that the House do not concur; request conferees.
- With recommendation that the House concur; committee believes bill to be material.
- With an unfavorable report, with a Minority Report attached.
- Without prejudice.
- With an indefinite postponement report.
- With an indefinite postponement report, with a Minority Report attached.
- With recommendation that it be adopted. (HOUSE RESOLUTION ONLY)

2/24/99

**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 1999**

H

1

HOUSE BILL 774

Short Title: Wilmington Local Act-1.

(Local)

Sponsors: Representative Wright.

Referred to: Rules, Calendar and Operations of the House.

March 31, 1999

- 1 A BILL TO BE ENTITLED**
2 AN ACT RELATING TO THE CITY OF WILMINGTON.
3 The General Assembly of North Carolina enacts:
4 Section 1. This act relates to the City of Wilmington.
5 Section 2. This act is effective when it becomes law.

**1999 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES**

The following report(s) from standing committee(s) is/are presented:

By Representative(s) **CULPEPPER** for the Committee on **RULES, CALENDAR AND OPERATIONS OF THE HOUSE.**

Committee Substitute for

H.B. 774 A BILL TO BE ENTITLED AN ACT RELATING TO THE CITY OF WILMINGTON.

With a favorable report.

With a favorable report and recommendation that the bill be re-referred to the Committee on Appropriations Finance .

With a favorable report, as amended.

With a favorable report, as amended, and recommendation that the bill be re-referred to the Committee on Appropriations Finance .

With a favorable report as to committee substitute bill (#), which changes the title, unfavorable as to (original bill) (Committee Substitute Bill #), (and recommendation that the committee substitute bill #) be re-referred to the Committee on .)

With a favorable report as to House committee substitute bill (#), which changes the title, unfavorable as to Senate committee substitute bill.

With an unfavorable report.

With recommendation that the House concur.

With recommendation that the House do not concur.

With recommendation that the House do not concur; request conferees.

With recommendation that the House concur; committee believes bill to be material.

With an unfavorable report, with a Minority Report attached.

Without prejudice.

With an indefinite postponement report.

With an indefinite postponement report, with a Minority Report attached.

With recommendation that it be adopted. (HOUSE RESOLUTION ONLY)

2/24/99

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1999

H

1

HOUSE BILL 775

Short Title: Wilmington Local Act-2.

(Local)

Sponsors: Representative Wright.

Referred to: Rules, Calendar and Operations of the House.

March 31, 1999

- 1 A BILL TO BE ENTITLED
2 AN ACT RELATING TO THE CITY OF WILMINGTON.
3 The General Assembly of North Carolina enacts:
4 Section 1. This act relates to the City of Wilmington.
5 Section 2. This act is effective when it becomes law.

**1999 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES**

The following report(s) from standing committee(s) is/are presented:

By Representative(s) **CULPEPPER** for the Committee on **RULES, CALENDAR AND OPERATIONS OF THE HOUSE.**

- Committee Substitute for
H.B. 775 A BILL TO BE ENTITLED AN ACT RELATING TO THE CITY OF
WILMINGTON.
- With a favorable report.
- With a favorable report and recommendation that the bill be re-referred to the Committee on
Appropriations Finance .
- With a favorable report, as amended.
- With a favorable report, as amended, and recommendation that the bill be re-referred to the
Committee on Appropriations Finance .
- With a favorable report as to committee substitute bill (#), which changes the title,
unfavorable as to (original bill) (Committee Substitute Bill #), (and recommendation
that the committee substitute bill #) be re-referred to the Committee on .)
- With a favorable report as to House committee substitute bill (#), which changes
the title, unfavorable as to Senate committee substitute bill.
- With an unfavorable report.
- With recommendation that the House concur.
- With recommendation that the House do not concur.
- With recommendation that the House do not concur; request conferees.
- With recommendation that the House concur; committee believes bill to be material.
- With an unfavorable report, with a Minority Report attached.
- Without prejudice.
- With an indefinite postponement report.
- With an indefinite postponement report, with a Minority Report attached.
- With recommendation that it be adopted. (HOUSE RESOLUTION ONLY)

2/24/99

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1999

H

1

HOUSE BILL 779

Short Title: New Hanover Local Act-2.

(Local)

Sponsors: Representative McComas

Referred to: Rules, Calendar and Operations of the House.

March 31, 1999

- 1 A BILL TO BE ENTITLED
2 AN ACT RELATING TO NEW HANOVER COUNTY AND TO THE
3 INCORPORATED MUNICIPALITIES LOCATED IN THAT COUNTY.
4 The General Assembly of North Carolina enacts:
5 Section 1. This act relates to New Hanover County and to the
6 incorporated municipalities located in that County.
7 Section 2. This act is effective when it becomes law.

**1999 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES**

The following report(s) from standing committee(s) is/are presented:

By Representative(s) **CULPEPPER** for the Committee on **RULES, CALENDAR AND OPERATIONS OF THE HOUSE**.

- Committee Substitute for
H.B. 779 A BILL TO BE ENTITLED AN ACT RELATING TO NEW HANOVER COUNTY AND TO THE INCORPORATED MUNICIPALITIES LOCATED IN THAT COUNTY.
- With a favorable report.
- With a favorable report and recommendation that the bill be re-referred to the Committee on Appropriations Finance .
- With a favorable report, as amended.
- With a favorable report, as amended, and recommendation that the bill be re-referred to the Committee on Appropriations Finance .
- With a favorable report as to committee substitute bill (#), which changes the title, unfavorable as to (original bill) (Committee Substitute Bill #), (and recommendation that the committee substitute bill #) be re-referred to the Committee on .)
- With a favorable report as to House committee substitute bill (#), which changes the title, unfavorable as to Senate committee substitute bill.
- With an unfavorable report.
- With recommendation that the House concur.
- With recommendation that the House do not concur.
- With recommendation that the House do not concur; request conferees.
- With recommendation that the House concur; committee believes bill to be material.
- With an unfavorable report, with a Minority Report attached.
- Without prejudice.
- With an indefinite postponement report.
- With an indefinite postponement report, with a Minority Report attached.
- With recommendation that it be adopted. (HOUSE RESOLUTION ONLY)

2/24/99

**1999 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES**

The following report(s) from standing committee(s) is/are presented:

By Representative(s) **CULPEPPER** for the Committee on **RULES, CALENDAR AND OPERATIONS OF THE HOUSE.**

- Committee Substitute for
H.B. 782 A BILL TO BE ENTITLED AN ACT RELATING TO WILKES COUNTY.
- With a favorable report.
- With a favorable report and recommendation that the bill be re-referred to the Committee on Appropriations Finance .
- With a favorable report, as amended.
- With a favorable report, as amended, and recommendation that the bill be re-referred to the Committee on Appropriations Finance .
- With a favorable report as to committee substitute bill (#), which changes the title, unfavorable as to (original bill) (Committee Substitute Bill #), (and recommendation that the committee substitute bill #) be re-referred to the Committee on .)
- With a favorable report as to House committee substitute bill (#), which changes the title, unfavorable as to Senate committee substitute bill.
- With an unfavorable report.
- With recommendation that the House concur.
- With recommendation that the House do not concur.
- With recommendation that the House do not concur; request conferees.
- With recommendation that the House concur; committee believes bill to be material.
- With an unfavorable report, with a Minority Report attached.
- Without prejudice.
- With an indefinite postponement report.
- With an indefinite postponement report, with a Minority Report attached.
- With recommendation that it be adopted. (HOUSE RESOLUTION ONLY)

2/24/99

**1999 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES**

The following report(s) from standing committee(s) is/are presented:

By Representative(s) **CULPEPPER** for the Committee on **RULES, CALENDAR AND OPERATIONS OF THE HOUSE.**

- Committee Substitute for
H.B. 783 A BILL TO BE ENTITLED AN ACT RELATING TO YADKIN COUNTY.
- With a favorable report.
- With a favorable report and recommendation that the bill be re-referred to the Committee on Appropriations Finance .
- With a favorable report, as amended.
- With a favorable report, as amended, and recommendation that the bill be re-referred to the Committee on Appropriations Finance .
- With a favorable report as to committee substitute bill (#), which changes the title, unfavorable as to (original bill) (Committee Substitute Bill #), (and recommendation that the committee substitute bill #) be re-referred to the Committee on .)
- With a favorable report as to House committee substitute bill (#), which changes the title, unfavorable as to Senate committee substitute bill.
- With an unfavorable report.
- With recommendation that the House concur.
- With recommendation that the House do not concur.
- With recommendation that the House do not concur; request conferees.
- With recommendation that the House concur; committee believes bill to be material.
- With an unfavorable report, with a Minority Report attached.
- Without prejudice.
- With an indefinite postponement report.
- With an indefinite postponement report, with a Minority Report attached.
- With recommendation that it be adopted. (HOUSE RESOLUTION ONLY)

2/24/99

**1999 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES**

The following report(s) from standing committee(s) is/are presented:

By Representative(s) **CULPEPPER** for the Committee on **RULES, CALENDAR AND
OPERATIONS OF THE HOUSE.**

- Committee Substitute for
H.B. 807 A BILL TO BE ENTITLED AN ACT RELATING TO WAYNE COUNTY.
- With a favorable report.
- With a favorable report and recommendation that the bill be re-referred to the Committee on Appropriations Finance .
- With a favorable report, as amended.
- With a favorable report, as amended, and recommendation that the bill be re-referred to the Committee on Appropriations Finance .
- With a favorable report as to committee substitute bill (#), which changes the title, unfavorable as to (original bill) (Committee Substitute Bill #), (and recommendation that the committee substitute bill #) be re-referred to the Committee on .)
- With a favorable report as to House committee substitute bill (#), which changes the title, unfavorable as to Senate committee substitute bill.
- With an unfavorable report.
- With recommendation that the House concur.
- With recommendation that the House do not concur.
- With recommendation that the House do not concur; request conferees.
- With recommendation that the House concur; committee believes bill to be material.
- With an unfavorable report, with a Minority Report attached.
- Without prejudice.
- With an indefinite postponement report.
- With an indefinite postponement report, with a Minority Report attached.
- With recommendation that it be adopted. (HOUSE RESOLUTION ONLY)

2/24/99

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1999

H

1

HOUSE BILL 808

Short Title: Greene Co. Local Act.

(Local)

Sponsors: Representative Russell.

Referred to: Rules, Calendar and Operations of the House.

April 1, 1999

- 1 A BILL TO BE ENTITLED
2 AN ACT RELATING TO GREENE COUNTY.
3 The General Assembly of North Carolina enacts:
4 Section 1. This act applies to Greene County only.
5 Section 2. This act is effective when it becomes law.

**1999 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES**

The following report(s) from standing committee(s) is/are presented:

By Representative(s) **CULPEPPER** for the Committee on **RULES, CALENDAR AND OPERATIONS OF THE HOUSE.**

Committee Substitute for

H.B. 808 A BILL TO BE ENTITLED AN ACT RELATING TO GREENE COUNTY.

- With a favorable report.
- With a favorable report and recommendation that the bill be re-referred to the Committee on Appropriations Finance .
- With a favorable report, as amended.
- With a favorable report, as amended, and recommendation that the bill be re-referred to the Committee on Appropriations Finance .
- With a favorable report as to committee substitute bill (#), which changes the title, unfavorable as to (original bill) (Committee Substitute Bill #), (and recommendation that the committee substitute bill #) be re-referred to the Committee on .)
- With a favorable report as to House committee substitute bill (#), which changes the title, unfavorable as to Senate committee substitute bill.
- With an unfavorable report.
- With recommendation that the House concur.
- With recommendation that the House do not concur.
- With recommendation that the House do not concur; request conferees.
- With recommendation that the House concur; committee believes bill to be material.
- With an unfavorable report, with a Minority Report attached.
- Without prejudice.
- With an indefinite postponement report.
- With an indefinite postponement report, with a Minority Report attached.
- With recommendation that it be adopted. (HOUSE RESOLUTION ONLY)

2/24/99

**1999 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES**

The following report(s) from standing committee(s) is/are presented:

By Representative(s) **CULPEPPER** for the Committee on **RULES, CALENDAR AND OPERATIONS OF THE HOUSE.**

- Committee Substitute for
H.B. 809 A BILL TO BE ENTITLED AN ACT RELATING TO LENOIR COUNTY.
- With a favorable report.
- With a favorable report and recommendation that the bill be re-referred to the Committee on Appropriations Finance .
- With a favorable report, as amended.
- With a favorable report, as amended, and recommendation that the bill be re-referred to the Committee on Appropriations Finance .
- With a favorable report as to committee substitute bill (#), which changes the title, unfavorable as to (original bill) (Committee Substitute Bill #), (and recommendation that the committee substitute bill #) be re-referred to the Committee on .)
- With a favorable report as to House committee substitute bill (#), which changes the title, unfavorable as to Senate committee substitute bill.
- With an unfavorable report.
- With recommendation that the House concur.
- With recommendation that the House do not concur.
- With recommendation that the House do not concur; request conferees.
- With recommendation that the House concur; committee believes bill to be material.
- With an unfavorable report, with a Minority Report attached.
- Without prejudice.
- With an indefinite postponement report.
- With an indefinite postponement report, with a Minority Report attached.
- With recommendation that it be adopted. (HOUSE RESOLUTION ONLY)

2/24/99

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1999

H

1

HOUSE BILL 831

Short Title: Henderson County Local Act.

(Local)

Sponsors: Representative Walend.

Referred to: Rules, Calendar and Operations of the House.

April 1, 1999

1 A BILL TO BE ENTITLED
2 AN ACT RELATING TO HENDERSON COUNTY AND TO THE
3 MUNICIPALITIES LOCATED IN THAT COUNTY.
4 The General Assembly of North Carolina enacts:
5 Section 1. This act applies only to Henderson County and to the
6 incorporated municipalities located in that county.
7 Section 2. This act is effective when it becomes law.

**1999 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES**

The following report(s) from standing committee(s) is/are presented:

By Representative(s) **CULPEPPER** for the Committee on **RULES, CALENDAR AND OPERATIONS OF THE HOUSE.**

Committee Substitute for

H.B. 831 A BILL TO BE ENTITLED AN ACT RELATING TO HENDERSON COUNTY AND TO THE MUNICIPALITIES LOCATED IN THAT COUNTY.

With a favorable report.

With a favorable report and recommendation that the bill be re-referred to the Committee on Appropriations Finance .

With a favorable report, as amended.

With a favorable report, as amended, and recommendation that the bill be re-referred to the Committee on Appropriations Finance .

With a favorable report as to committee substitute bill (#), which changes the title, unfavorable as to (original bill) (Committee Substitute Bill #), (and recommendation that the committee substitute bill #) be re-referred to the Committee on .)

With a favorable report as to House committee substitute bill (#), which changes the title, unfavorable as to Senate committee substitute bill.

With an unfavorable report.

With recommendation that the House concur.

With recommendation that the House do not concur.

With recommendation that the House do not concur; request conferees.

With recommendation that the House concur; committee believes bill to be material.

With an unfavorable report, with a Minority Report attached.

Without prejudice.

With an indefinite postponement report.

With an indefinite postponement report, with a Minority Report attached.

With recommendation that it be adopted. (HOUSE RESOLUTION ONLY)

2/24/99

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1999

H

1

HOUSE BILL 838

Short Title: Onslow Local Act.

(Local)

Sponsors: Representatives Grady; and Preston (Primary Sponsors).

Referred to: Rules, Calendar and Operations of the House.

April 1, 1999

- 1 A BILL TO BE ENTITLED
2 AN ACT RELATING TO THE GOVERNANCE OF ONSLOW COUNTY.
3 The General Assembly of North Carolina enacts:
4 Section 1. This act applies to Onslow County only.
5 Section 2. This act is effective when it becomes law.

**1999 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES**

The following report(s) from standing committee(s) is/are presented:

By Representative(s) **CULPEPPER** for the Committee on **RULES, CALENDAR AND OPERATIONS OF THE HOUSE**.

- Committee Substitute for
H.B. 838 A BILL TO BE ENTITLED AN ACT RELATING TO THE GOVERNANCE OF
ONSLOW COUNTY.
- With a favorable report.
- With a favorable report and recommendation that the bill be re-referred to the Committee on
Appropriations Finance .
- With a favorable report, as amended.
- With a favorable report, as amended, and recommendation that the bill be re-referred to the
Committee on Appropriations Finance .
- With a favorable report as to committee substitute bill (#), which changes the title,
unfavorable as to (original bill) (Committee Substitute Bill #), (and recommendation
that the committee substitute bill #) be re-referred to the Committee on .)
- With a favorable report as to House committee substitute bill (#), which changes
the title, unfavorable as to Senate committee substitute bill.
- With an unfavorable report.
- With recommendation that the House concur.
- With recommendation that the House do not concur.
- With recommendation that the House do not concur; request conferees.
- With recommendation that the House concur; committee believes bill to be material.
- With an unfavorable report, with a Minority Report attached.
- Without prejudice.
- With an indefinite postponement report.
- With an indefinite postponement report, with a Minority Report attached.
- With recommendation that it be adopted. (HOUSE RESOLUTION ONLY)

2/24/99

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1999

H

1

HOUSE BILL 858

Short Title: 7th House Dist. Local Act.

(Local)

Sponsors: Representative Hardaway.

Referred to: Rules, Calendar and Operations of the House.

April 1, 1999

- 1 A BILL TO BE ENTITLED
2 AN ACT RELATING TO THE 7TH HOUSE DISTRICT.
3 The General Assembly of North Carolina enacts:
4 Section 1. This act relates to the 7th House District.
5 Section 2. This act is effective when it becomes law.

**1999 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES**

The following report(s) from standing committee(s) is/are presented:

By Representative(s) **CULPEPPER** for the Committee on **RULES, CALENDAR AND OPERATIONS OF THE HOUSE.**

- Committee Substitute for
H.B. 858 A BILL TO BE ENTITLED AN ACT RELATING TO THE 7TH HOUSE DISTRICT.

- With a favorable report.

- With a favorable report and recommendation that the bill be re-referred to the Committee on Appropriations Finance .

- With a favorable report, as amended.

- With a favorable report, as amended, and recommendation that the bill be re-referred to the Committee on Appropriations Finance .

- With a favorable report as to committee substitute bill (#), which changes the title, unfavorable as to (original bill) (Committee Substitute Bill #), (and recommendation that the committee substitute bill #) be re-referred to the Committee on .)

- With a favorable report as to House committee substitute bill (#), which changes the title, unfavorable as to Senate committee substitute bill.

- With an unfavorable report.

- With recommendation that the House concur.

- With recommendation that the House do not concur.

- With recommendation that the House do not concur; request conferees.

- With recommendation that the House concur; committee believes bill to be material.

- With an unfavorable report, with a Minority Report attached.

- Without prejudice.

- With an indefinite postponement report.

- With an indefinite postponement report, with a Minority Report attached.

- With recommendation that it be adopted. (HOUSE RESOLUTION ONLY)

2/24/99

**1999 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES**

The following report(s) from standing committee(s) is/are presented:

By Representative(s) **CULPEPPER** for the Committee on **RULES, CALENDAR AND OPERATIONS OF THE HOUSE.**

Committee Substitute for

H.B. 859 A BILL TO BE ENTITLED AN ACT RELATING TO THE 7TH HOUSE DISTRICT.

With a favorable report.

With a favorable report and recommendation that the bill be re-referred to the Committee on Appropriations Finance .

With a favorable report, as amended.

With a favorable report, as amended, and recommendation that the bill be re-referred to the Committee on Appropriations Finance .

With a favorable report as to committee substitute bill (#), which changes the title, unfavorable as to (original bill) (Committee Substitute Bill #), (and recommendation that the committee substitute bill #) be re-referred to the Committee on .)

With a favorable report as to House committee substitute bill (#), which changes the title, unfavorable as to Senate committee substitute bill.

With an unfavorable report.

With recommendation that the House concur.

With recommendation that the House do not concur.

With recommendation that the House do not concur; request conferees.

With recommendation that the House concur; committee believes bill to be material.

With an unfavorable report, with a Minority Report attached.

Without prejudice.

With an indefinite postponement report.

With an indefinite postponement report, with a Minority Report attached.

With recommendation that it be adopted. (HOUSE RESOLUTION ONLY)

2/24/99

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1999

H

1

HOUSE BILL 860

Short Title: 7th House Dist. Local Act.

(Local)

Sponsors: Representative Hardaway.

Referred to: Rules, Calendar and Operations of the House.

April 1, 1999

- 1 A BILL TO BE ENTITLED
2 AN ACT RELATING TO THE 7TH HOUSE DISTRICT.
3 The General Assembly of North Carolina enacts:
4 Section 1. This act relates to the 7th House District.
5 Section 2. This act is effective when it becomes law.

**1999 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES**

The following report(s) from standing committee(s) is/are presented:

By Representative(s) **CULPEPPER** for the Committee on **RULES, CALENDAR AND OPERATIONS OF THE HOUSE.**

Committee Substitute for

H.B. 860 A BILL TO BE ENTITLED AN ACT RELATING TO THE 7TH HOUSE DISTRICT.

With a favorable report.

With a favorable report and recommendation that the bill be re-referred to the Committee on Appropriations Finance .

With a favorable report, as amended.

With a favorable report, as amended, and recommendation that the bill be re-referred to the Committee on Appropriations Finance .

With a favorable report as to committee substitute bill (#), which changes the title, unfavorable as to (original bill) (Committee Substitute Bill #), (and recommendation that the committee substitute bill #) be re-referred to the Committee on .)

With a favorable report as to House committee substitute bill (#), which changes the title, unfavorable as to Senate committee substitute bill.

With an unfavorable report.

With recommendation that the House concur.

With recommendation that the House do not concur.

With recommendation that the House do not concur; request conferees.

With recommendation that the House concur; committee believes bill to be material.

With an unfavorable report, with a Minority Report attached.

Without prejudice.

With an indefinite postponement report.

With an indefinite postponement report, with a Minority Report attached.

With recommendation that it be adopted. (HOUSE RESOLUTION ONLY)

2/24/99

**1999 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES**

The following report(s) from standing committee(s) is/are presented:

By Representative(s) **CULPEPPER** for the Committee on **RULES, CALENDAR AND OPERATIONS OF THE HOUSE.**

Committee Substitute for

H.B. 861 A BILL TO BE ENTITLED AN ACT RELATING TO THE 7TH HOUSE DISTRICT.

- With a favorable report.
- With a favorable report and recommendation that the bill be re-referred to the Committee on Appropriations Finance .
- With a favorable report, as amended.
- With a favorable report, as amended, and recommendation that the bill be re-referred to the Committee on Appropriations Finance .
- With a favorable report as to committee substitute bill (#), which changes the title, unfavorable as to (original bill) (Committee Substitute Bill #), (and recommendation that the committee substitute bill #) be re-referred to the Committee on .)
- With a favorable report as to House committee substitute bill (#), which changes the title, unfavorable as to Senate committee substitute bill.
- With an unfavorable report.
- With recommendation that the House concur.
- With recommendation that the House do not concur.
- With recommendation that the House do not concur; request conferees.
- With recommendation that the House concur; committee believes bill to be material.
- With an unfavorable report, with a Minority Report attached.
- Without prejudice.
- With an indefinite postponement report.
- With an indefinite postponement report, with a Minority Report attached.
- With recommendation that it be adopted. (HOUSE RESOLUTION ONLY)

2/24/99

**1999 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES**

The following report(s) from standing committee(s) is/are presented:

By Representative(s) **CULPEPPER** for the Committee on **RULES, CALENDAR AND OPERATIONS OF THE HOUSE**.

- Committee Substitute for
H.B. 865 A BILL TO BE ENTITLED AN ACT TO ESTABLISH A METHOD OF
ELECTING THE NEW HANOVER COUNTY BOARD OF COMMISSIONERS THAT
UTILIZES ELECTORAL DISTRICTS.
- With a favorable report.
- With a favorable report and recommendation that the bill be re-referred to the Committee on
Appropriations Finance .
- With a favorable report, as amended.
- With a favorable report, as amended, and recommendation that the bill be re-referred to the
Committee on Appropriations Finance .
- With a favorable report as to committee substitute bill (#), which changes the title,
unfavorable as to (original bill) (Committee Substitute Bill #), (and recommendation
that the committee substitute bill #) be re-referred to the Committee on .)
- With a favorable report as to House committee substitute bill (#), which changes
the title, unfavorable as to Senate committee substitute bill.
- With an unfavorable report.
- With recommendation that the House concur.
- With recommendation that the House do not concur.
- With recommendation that the House do not concur; request conferees.
- With recommendation that the House concur; committee believes bill to be material.
- With an unfavorable report, with a Minority Report attached.
- Without prejudice.
- With an indefinite postponement report.
- With an indefinite postponement report, with a Minority Report attached.
- With recommendation that it be adopted. (HOUSE RESOLUTION ONLY)

2/24/99

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 1999

H

1

HOUSE BILL 866

Short Title: Wilmington Council Elections.

(Local)

Sponsors: Representatives Wright and McComas.

Referred to: Rules, Calendar and Operations of the House.

April 1, 1999

- 1 A BILL TO BE ENTITLED
2 AN ACT TO ESTABLISH THE METHOD OF ELECTING THE WILMINGTON
3 CITY COUNCIL THAT UTILIZES ELECTORAL DISTRICTS.
4 The General Assembly of North Carolina enacts:
5 Section 1. This act applies to the City of Wilmington only.
6 Section 2. This act is effective when it becomes law.

**1999 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES**

The following report(s) from standing committee(s) is/are presented:

By Representative(s) **CULPEPPER** for the Committee on **RULES, CALENDAR AND OPERATIONS OF THE HOUSE.**

- Committee Substitute for
H.B. 866 A BILL TO BE ENTITLED AN ACT TO ESTABLISH THE METHOD OF ELECTING THE WILMINGTON CITY COUNCIL THAT UTILIZES ELECTORAL DISTRICTS..
- With a favorable report.
- With a favorable report and recommendation that the bill be re-referred to the Committee on Appropriations Finance .
- With a favorable report, as amended.
- With a favorable report, as amended, and recommendation that the bill be re-referred to the Committee on Appropriations Finance .
- With a favorable report as to committee substitute bill (#), which changes the title, unfavorable as to (original bill) (Committee Substitute Bill #), (and recommendation that the committee substitute bill #) be re-referred to the Committee on .)
- With a favorable report as to House committee substitute bill (#), which changes the title, unfavorable as to Senate committee substitute bill.
- With an unfavorable report.
- With recommendation that the House concur.
- With recommendation that the House do not concur.
- With recommendation that the House do not concur; request conferees.
- With recommendation that the House concur; committee believes bill to be material.
- With an unfavorable report, with a Minority Report attached.
- Without prejudice.
- With an indefinite postponement report.
- With an indefinite postponement report, with a Minority Report attached.
- With recommendation that it be adopted. (HOUSE RESOLUTION ONLY)

2/24/99

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 1999

H

1

HOUSE BILL 879

Short Title: Alamance County Borders.

(Local)

Sponsors: Representative Allred.

Referred to: Rules, Calendar and Operations of the House.

April 1, 1999

- 1 **A BILL TO BE ENTITLED**
- 2 **AN ACT AFFECTING THE BORDERS OF ALAMANCE COUNTY.**
- 3 **The General Assembly of North Carolina enacts:**
- 4 **Section 1. This act affects the borders of Alamance County.**
- 5 **Section 2. This act applies to Alamance County only.**
- 6 **Section 3. This act is effective when it becomes law.**

**1999 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES**

The following report(s) from standing committee(s) is/are presented:

By Representative(s) **CULPEPPER** for the Committee on **RULES, CALENDAR AND
OPERATIONS OF THE HOUSE.**

- Committee Substitute for
H.B. 879 A BILL TO BE ENTITLED AN ACT AFFECTING THE BORDERS OF
ALAMANCE COUNTY.
- With a favorable report.
- With a favorable report and recommendation that the bill be re-referred to the Committee on
Appropriations Finance .
- With a favorable report, as amended.
- With a favorable report, as amended, and recommendation that the bill be re-referred to the
Committee on Appropriations Finance .
- With a favorable report as to committee substitute bill (#), which changes the title,
unfavorable as to (original bill) (Committee Substitute Bill #), (and recommendation
that the committee substitute bill #) be re-referred to the Committee on .)
- With a favorable report as to House committee substitute bill (#), which changes
the title, unfavorable as to Senate committee substitute bill. .
- With an unfavorable report.
- With recommendation that the House concur.
- With recommendation that the House do not concur.
- With recommendation that the House do not concur; request conferees.
- With recommendation that the House concur; committee believes bill to be material.
- With an unfavorable report, with a Minority Report attached.
- Without prejudice.
- With an indefinite postponement report.
- With an indefinite postponement report, with a Minority Report attached.
- With recommendation that it be adopted. (HOUSE RESOLUTION ONLY)

2/24/99

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1999

H

1

HOUSE BILL 881

Short Title: Wake Local Act-3.

(Local)

Sponsors: Representative Neely.

Referred to: Rules, Calendar and Operations of the House.

April 1, 1999

- 1 A BILL TO BE ENTITLED
2 AN ACT RELATING TO WAKE COUNTY.
3 The General Assembly of North Carolina enacts:
4 Section 1. This act applies to Wake County only.
5 Section 2. This act is effective when it becomes law.

**1999 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES**

The following report(s) from standing committee(s) is/are presented:

By Representative(s) **CULPEPPER** for the Committee on **RULES, CALENDAR AND OPERATIONS OF THE HOUSE.**

Committee Substitute for

H.B. 881 A BILL TO BE ENTITLED AN ACT RELATING TO WAKE COUNTY.

- With a favorable report.
- With a favorable report and recommendation that the bill be re-referred to the Committee on Appropriations Finance .
- With a favorable report, as amended.
- With a favorable report, as amended, and recommendation that the bill be re-referred to the Committee on Appropriations Finance .
- With a favorable report as to committee substitute bill (#), which changes the title, unfavorable as to (original bill) (Committee Substitute Bill #), (and recommendation that the committee substitute bill #) be re-referred to the Committee on .)
- With a favorable report as to House committee substitute bill (#), which changes the title, unfavorable as to Senate committee substitute bill.
- With an unfavorable report.
- With recommendation that the House concur.
- With recommendation that the House do not concur.
- With recommendation that the House do not concur; request conferees.
- With recommendation that the House concur; committee believes bill to be material.
- With an unfavorable report, with a Minority Report attached.
- Without prejudice.
- With an indefinite postponement report.
- With an indefinite postponement report, with a Minority Report attached.
- With recommendation that it be adopted. (HOUSE RESOLUTION ONLY)

2/24/99

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1999

H

1

HOUSE BILL 882

Short Title: Wake Local Act-1.

(Local)

Sponsors: Representative Neely.

Referred to: Rules, Calendar and Operations of the House.

April 1, 1999

- 1 A BILL TO BE ENTITLED
- 2 AN ACT RELATING TO WAKE COUNTY.
- 3 The General Assembly of North Carolina enacts:
- 4 Section 1. This act applies to Wake County only.
- 5 Section 2. This act is effective when it becomes law.

**1999 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES**

The following report(s) from standing committee(s) is/are presented:

By Representative(s) **CULPEPPER** for the Committee on **RULES, CALENDAR AND OPERATIONS OF THE HOUSE.**

Committee Substitute for

H.B. 882 A BILL TO BE ENTITLED AN ACT RELATING TO WAKE COUNTY.

- With a favorable report.
- With a favorable report and recommendation that the bill be re-referred to the Committee on Appropriations Finance .
- With a favorable report, as amended.
- With a favorable report, as amended, and recommendation that the bill be re-referred to the Committee on Appropriations Finance .
- With a favorable report as to committee substitute bill (#), which changes the title, unfavorable as to (original bill) (Committee Substitute Bill #), (and recommendation that the committee substitute bill #) be re-referred to the Committee on .)
- With a favorable report as to House committee substitute bill (#), which changes the title, unfavorable as to Senate committee substitute bill.
- With an unfavorable report.
- With recommendation that the House concur.
- With recommendation that the House do not concur.
- With recommendation that the House do not concur; request conferees.
- With recommendation that the House concur; committee believes bill to be material.
- With an unfavorable report, with a Minority Report attached.
- Without prejudice.
- With an indefinite postponement report.
- With an indefinite postponement report, with a Minority Report attached.
- With recommendation that it be adopted. (HOUSE RESOLUTION ONLY)

2/24/99

**1999 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES**

The following report(s) from standing committee(s) is/are presented:

By Representative(s) **CULPEPPER** for the Committee on **RULES, CALENDAR AND OPERATIONS OF THE HOUSE.**

Committee Substitute for

H.B. 883 A BILL TO BE ENTITLED AN ACT RELATING TO WAKE COUNTY.

- With a favorable report.
- With a favorable report and recommendation that the bill be re-referred to the Committee on Appropriations Finance .
- With a favorable report, as amended.
- With a favorable report, as amended, and recommendation that the bill be re-referred to the Committee on Appropriations Finance .
- With a favorable report as to committee substitute bill (#), which changes the title, unfavorable as to (original bill) (Committee Substitute Bill #), (and recommendation that the committee substitute bill #) be re-referred to the Committee on .)
- With a favorable report as to House committee substitute bill (#), which changes the title, unfavorable as to Senate committee substitute bill.
- With an unfavorable report.
- With recommendation that the House concur.
- With recommendation that the House do not concur.
- With recommendation that the House do not concur; request conferees.
- With recommendation that the House concur; committee believes bill to be material.
- With an unfavorable report, with a Minority Report attached.
- Without prejudice.
- With an indefinite postponement report.
- With an indefinite postponement report, with a Minority Report attached.
- With recommendation that it be adopted. (HOUSE RESOLUTION ONLY)

2/24/99

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1999

H

1

HOUSE BILL 892

Short Title: Charlotte Local Act-1.

(Local)

Sponsors: Representative Cunningham.

Referred to: Rules, Calendar and Operations of the House.

April 1, 1999

- 1 A BILL TO BE ENTITLED
2 AN ACT RELATING TO THE CITY OF CHARLOTTE.
3 The General Assembly of North Carolina enacts:
4 Section 1. This act relates to the City of Charlotte only.
5 Section 2. This act is effective when it becomes law.

**1999 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES**

The following report(s) from standing committee(s) is/are presented:

By Representative(s) **CULPEPPER** for the Committee on **RULES, CALENDAR AND OPERATIONS OF THE HOUSE.**

Committee Substitute for

H.B. 892 A BILL TO BE ENTITLED AN ACT RELATING TO THE CITY OF CHARLOTTE.

- With a favorable report.
- With a favorable report and recommendation that the bill be re-referred to the Committee on Appropriations Finance .
- With a favorable report, as amended.
- With a favorable report, as amended, and recommendation that the bill be re-referred to the Committee on Appropriations Finance .
- With a favorable report as to committee substitute bill (#), which changes the title, unfavorable as to (original bill) (Committee Substitute Bill #), (and recommendation that the committee substitute bill #) be re-referred to the Committee on .)
- With a favorable report as to House committee substitute bill (#), which changes the title, unfavorable as to Senate committee substitute bill.
- With an unfavorable report.
- With recommendation that the House concur.
- With recommendation that the House do not concur.
- With recommendation that the House do not concur; request conferees.
- With recommendation that the House concur; committee believes bill to be material.
- With an unfavorable report, with a Minority Report attached.
- Without prejudice.
- With an indefinite postponement report.
- With an indefinite postponement report, with a Minority Report attached.
- With recommendation that it be adopted. (HOUSE RESOLUTION ONLY)

2/24/99

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1999

H

1

HOUSE BILL 893

Short Title: Mecklenburg Local Act-2.

(Local)

Sponsors: Representative Cunningham.

Referred to: Rules, Calendar and Operations of the House.

April 1, 1999

- 1 **A BILL TO BE ENTITLED**
- 2 **AN ACT RELATING TO MECKLENBURG COUNTY.**
- 3 **The General Assembly of North Carolina enacts:**
- 4 **Section 1. This act relates to Mecklenburg County only.**
- 5 **Section 2. This act is effective when it becomes law.**

**1999 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES**

The following report(s) from standing committee(s) is/are presented:

By Representative(s) **CULPEPPER** for the Committee on **RULES, CALENDAR AND OPERATIONS OF THE HOUSE.**

Committee Substitute for

H.B. 893 A BILL TO BE ENTITLED AN ACT RELATING TO MECKLENBURG COUNTY.

- With a favorable report.
- With a favorable report and recommendation that the bill be re-referred to the Committee on Appropriations Finance .
- With a favorable report, as amended.
- With a favorable report, as amended, and recommendation that the bill be re-referred to the Committee on Appropriations Finance .
- With a favorable report as to committee substitute bill (#), which changes the title, unfavorable as to (original bill) (Committee Substitute Bill #), (and recommendation that the committee substitute bill #) be re-referred to the Committee on .)
- With a favorable report as to House committee substitute bill (#), which changes the title, unfavorable as to Senate committee substitute bill.
- With an unfavorable report.
- With recommendation that the House concur.
- With recommendation that the House do not concur.
- With recommendation that the House do not concur; request conferees.
- With recommendation that the House concur; committee believes bill to be material.
- With an unfavorable report, with a Minority Report attached.
- Without prejudice.
- With an indefinite postponement report.
- With an indefinite postponement report, with a Minority Report attached.
- With recommendation that it be adopted. (HOUSE RESOLUTION ONLY)

2/24/99

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1999

H

1

HOUSE BILL 894

Short Title: Mecklenburg Local Act-1.

(Local)

Sponsors: Representative Cunningham.

Referred to: Rules, Calendar and Operations of the House.

April 1, 1999

- 1 A BILL TO BE ENTITLED
2 AN ACT RELATING TO MECKLENBURG COUNTY.
3 The General Assembly of North Carolina enacts:
4 Section 1. This act relates to Mecklenburg County only.
5 Section 2. This act is effective when it becomes law.

**1999 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES**

The following report(s) from standing committee(s) is/are presented:

By Representative(s) **CULPEPPER** for the Committee on **RULES, CALENDAR AND OPERATIONS OF THE HOUSE.**

Committee Substitute for

H.B. 894 A BILL TO BE ENTITLED AN ACT RELATING TO MECKLENBURG COUNTY.

With a favorable report.

With a favorable report and recommendation that the bill be re-referred to the Committee on Appropriations Finance .

With a favorable report, as amended.

With a favorable report, as amended, and recommendation that the bill be re-referred to the Committee on Appropriations Finance .

With a favorable report as to committee substitute bill (#), which changes the title, unfavorable as to (original bill) (Committee Substitute Bill #), (and recommendation that the committee substitute bill #) be re-referred to the Committee on .)

With a favorable report as to House committee substitute bill (#), which changes the title, unfavorable as to Senate committee substitute bill.

With an unfavorable report.

With recommendation that the House concur.

With recommendation that the House do not concur.

With recommendation that the House do not concur; request conferees.

With recommendation that the House concur; committee believes bill to be material.

With an unfavorable report, with a Minority Report attached.

Without prejudice.

With an indefinite postponement report.

With an indefinite postponement report, with a Minority Report attached.

With recommendation that it be adopted. (HOUSE RESOLUTION ONLY)

2/24/99

**1999 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES**

The following report(s) from standing committee(s) is/are presented:

By Representative(s) **CULPEPPER** for the Committee on **RULES, CALENDAR AND OPERATIONS OF THE HOUSE.**

Committee Substitute for

H.B. 895 A BILL TO BE ENTITLED AN ACT RELATING TO THE CITY OF CHARLOTTE

- With a favorable report.
- With a favorable report and recommendation that the bill be re-referred to the Committee on Appropriations Finance .
- With a favorable report, as amended.
- With a favorable report, as amended, and recommendation that the bill be re-referred to the Committee on Appropriations Finance .
- With a favorable report as to committee substitute bill (#), which changes the title, unfavorable as to (original bill) (Committee Substitute Bill #), (and recommendation that the committee substitute bill #) be re-referred to the Committee on .)
- With a favorable report as to House committee substitute bill (#), which changes the title, unfavorable as to Senate committee substitute bill.
- With an unfavorable report.
- With recommendation that the House concur.
- With recommendation that the House do not concur.
- With recommendation that the House do not concur; request conferees.
- With recommendation that the House concur; committee believes bill to be material.
- With an unfavorable report, with a Minority Report attached.
- Without prejudice.
- With an indefinite postponement report.
- With an indefinite postponement report, with a Minority Report attached.
- With recommendation that it be adopted. (HOUSE RESOLUTION ONLY)

2/24/99

**1999 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES**

The following report(s) from standing committee(s) is/are presented:

By Representative(s) **CULPEPPER** for the Committee on **RULES, CALENDAR AND OPERATIONS OF THE HOUSE.**

- Committee Substitute for
H.B. 897 A BILL TO BE ENTITLED AN ACT RELATING TO WAKE COUNTY.
- With a favorable report.
- With a favorable report and recommendation that the bill be re-referred to the Committee on Appropriations Finance .
- With a favorable report, as amended.
- With a favorable report, as amended, and recommendation that the bill be re-referred to the Committee on Appropriations Finance .
- With a favorable report as to committee substitute bill (#), which changes the title, unfavorable as to (original bill) (Committee Substitute Bill #), (and recommendation that the committee substitute bill #) be re-referred to the Committee on .)
- With a favorable report as to House committee substitute bill (#), which changes the title, unfavorable as to Senate committee substitute bill.
- With an unfavorable report.
- With recommendation that the House concur.
- With recommendation that the House do not concur.
- With recommendation that the House do not concur; request conferees.
- With recommendation that the House concur; committee believes bill to be material.
- With an unfavorable report, with a Minority Report attached.
- Without prejudice.
- With an indefinite postponement report.
- With an indefinite postponement report, with a Minority Report attached.
- With recommendation that it be adopted. (HOUSE RESOLUTION ONLY)

2/24/99

AGENDA

**HOUSE COMMITTEE ON RULES, CALENDAR AND
OPERATIONS OF THE HOUSE**

**May 26, 1999
Room 421 LOB
1:00 PM**

OPENING REMARKS

Representative Culpepper, Chairman

CONSIDERATION OF BILLS

ACTION TAKEN ON BILLS

ADJOURNMENT

MINUTES OF THE COMMITTEE ON RULES, CALENDAR AND OPERATIONS OF
THE HOUSE

The Committee on Rules, Calendar and Operations of the House met on May 26, 1999 at 1:00 p.m. in Room 421 of the Legislative Office Building. The following members were present: Representatives Culpepper, Chairman; Alexander, Allen, Gulley, Hill, McMahan, Nye, Tolson and Yongue.

The following matters came before the committee:

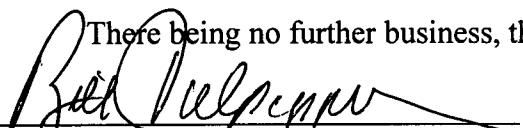
HOUSE BILL 1409-AN ACT TO MODIFY ECONOMIC DEVELOPMENT INCENTIVES AFFECTING BORDER COUNTIES AND OTHER COUNTIES. The chairman recognized Representative Goodwin, bill sponsor, to explain the bill. Representative Tolson moved that a proposed committee substitute bill which changes the title to AN ACT TO ADDRESS THE COMPETITIVENESS OF CERTAIN NORTH CAROLINA BORDER COUNTIES AND LOW-TIER COUNTIES BY PROVIDING AN INCENTIVE FOR INVESTMENT IN REAL PROPERTY IN ORDER TO MATCH AN INCENTIVE PROVIDED IN SOUTH CAROLINA be adopted. The chairman ruled that for the purposes of discussion, without objection, it be so ordered. Representative Goodwin briefly spoke on the bill, after which Representative Hill made a motion that the proposed committee substitute bill be reported without prejudice with the recommendation that it be re-referred to the Committee on Finance, unfavorable as to the original bill. The motion passed.

HOUSE BILL 933-AN ACT TO CHANGE THE LAW REGARDING CEMETERIES. A proposed committee substitute bill was presented and Representative McMahan moved that it be adopted for purposes of discussion. The chairman ruled that without objection, it be so ordered. The proposed committee substitute bill changed the name of the bill to AN ACT TO PROVIDE FOR THE RELOCATION AND CARE OF THOSE ABANDONED CEMETERIES SELECTED FOR RELOCATION BY THE ARCHAEOLOGY AND HISTORIC PRESERVATION SECTION OF THE DEPARTMENT OF CULTURAL RESOURCES. Representative Smith, bill sponsor, was recognized to present the bill. Following Representative Smith's presentation, Representative Alexander moved that the committee substitute bill be reported without prejudice with the recommendation that it be re-referred to the Committee on Appropriations, unfavorable as to the original bill. The motion carried.

COMMITTEE SUBSTITUTE #2 FOR HOUSE BILL 1095-AN ACT AUTHORIZING THE NORTH CAROLINA MEDICAL BOARD AND THE BOARD OF PHARMACY TO ADOPT REGULATIONS TO APPROVE CLINICAL PHARMACIST PRACTITIONERS TO PRACTICE DRUG THERAPY MANAGEMENT PURSUANT TO A DRUG THERAPY MANAGEMENT AGREEMENT. The chairman informed the committee that after the bill had been given a favorable report by one of the health committees, the Speaker referred it to the Rules

Committee. The Speaker then requested that it be returned to the calendar, and Representative Allen moved that a proposed committee substitute bill be reported without prejudice. The motion passed.

There being no further business, the meeting adjourned at 1:10 p.m.



Representative Bill Culpepper, Chairman

Dorothy C. Crocker, Committee Assistant

1 State's fiscal year. Refunds applied for after the due date are
2 barred.

3 (2) Eligibility. -- A person is eligible for the refund provided in this
4 subsection if it is engaged primarily in one of the businesses listed
5 in G.S. 105-129.4(a) in an enterprise tier one area or an enterprise
6 tier two area, as defined in G.S. 105-129.3.

7 (3) Use of refund. -- Within three years after receiving a refund under
8 this subsection, a taxpayer must use the amount refunded for site
9 development, infrastructure, or other real property improvements
10 in an enterprise tier one area or an enterprise tier two area. If the
11 taxpayer does not make the required investment within this period,
12 it loses its eligibility and forfeits the amount of the refund received
13 under this subsection that was not invested as required. Upon
14 forfeiture, the taxpayer is liable for tax under this Article equal to
15 the amount of the forfeited refund plus interest at the rate
16 established in G.S. 105-241.1(i), computed from the date the taxes
17 would have been due if the tax refund had not been received. The
18 tax and interest are due 30 days after the date of the forfeiture. A
19 taxpayer that fails to pay the tax and interest is subject to the
20 penalties provided in G.S. 105-236.

21 A taxpayer that receives a refund under this subsection must,
22 each year until the investment requirement of this subdivision has
23 been satisfied, file with the Department of Commerce an annual
24 financial statement, audited in accordance with generally accepted
25 accounting principles, demonstrating that the refund received
26 under this subsection has not been used for a purpose inconsistent
27 with the requirements of this subdivision. If the Secretary of
28 Commerce determines that the taxpayer has used any of the credit
29 for a purpose that is inconsistent with the requirements of this
30 subdivision, the Secretary of Commerce shall certify the amount so
31 used to the Secretary of Revenue."

32 Section 2. This act becomes effective January 1, 2000, and applies to
33 taxes paid on or after that date.

**1999 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES**

The following report(s) from standing committee(s) is/are presented:

By Representative(s) for the Committee on **RULES, CALENDAR AND OPERATIONS
OF THE HOUSE.**

Committee Substitute for

H.B. 1409 A BILL TO BE ENTITLED AN ACT TO MODIFY ECONOMIC
DEVELOPMENT INCENTIVES AFFECTING BORDER COUNTIES AND OTHER
COUNTIES.

With a favorable report.

With a favorable report and recommendation that the bill be re-referred to the Committee on
Appropriations Finance .

With a favorable report, as amended.

With a favorable report, as amended, and recommendation that the bill be re-referred to the
Committee on Appropriations Finance .

Without prejudice as to committee substitute bill, which changes the title, unfavorable as
to original bill, and recommendation that the committee substitute bill be re-referred to the
Committee on Finance.

With a favorable report as to House committee substitute bill (#), which changes
the title, unfavorable as to Senate committee substitute bill.

With an unfavorable report.

With recommendation that the House concur.

With recommendation that the House do not concur.

With recommendation that the House do not concur; request conferees.

With recommendation that the House concur; committee believes bill to be material.

With an unfavorable report, with a Minority Report attached.

Without prejudice.

With an indefinite postponement report.

With an indefinite postponement report, with a Minority Report attached.

With recommendation that it be adopted. (HOUSE RESOLUTION ONLY)

2/24/99

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1999

H

D

HOUSE BILL 933
Proposed Committee Substitute H933-PCS7239-LG

Short Title: Cemetery Law Changes.

(Public)

Sponsors:

Referred to:

April 6, 1999

1 A BILL TO BE ENTITLED
2 AN ACT TO PROVIDE FOR THE RELOCATION AND CARE OF THOSE
3 ABANDONED CEMETERIES SELECTED FOR RELOCATION BY THE
4 ARCHAEOLOGY AND HISTORIC PRESERVATION SECTION OF THE
5 DEPARTMENT OF CULTURAL RESOURCES.

6 The General Assembly of North Carolina enacts:

7 Section 1. Chapter 65 of the General Statutes is amended by adding an
8 Article after Article 1 to read:

9 "ARTICLE 1A.
10 "Relocation of Abandoned Cemeteries.

11 "**§ 65-3.10. Purpose.**

12 The purpose of this Article is to stop the loss of abandoned public cemeteries by
13 vandalism, logging, plowing, and other causes, to relocate certain abandoned
14 cemeteries on a county-by-county basis, and to provide for the perpetual care of these
15 relocated cemeteries, thereby preserving their historic significance.

16 "**§ 65-3.11. Administration of program.**

17 The Archaeology and Historic Preservation Section of the Division of Archives
18 and History, Department of Cultural Resources, shall administer the relocation of
19 abandoned public cemeteries program.

20 "**§ 65-3.12. Selection for relocation.**

21 (a) The Archaeology and Historic Preservation Section shall select those
22 abandoned cemeteries that, according to the Section, need relocation. The

1 Archaeology and Historic Preservation Section may rely on the list of abandoned
2 public cemeteries compiled pursuant to G.S. 65-1.

3 (b) From this selection, the Archaeology and Historic Preservation Section shall
4 create a list of counties that contain the selected abandoned cemeteries and rank
5 those counties according to need for relocation of abandoned cemeteries within each
6 county.

7 (c) The Archaeology and Historic Preservation Section shall relocate the selected
8 abandoned cemeteries in the first county on the list compiled under subsection (b) of
9 this section until all selected abandoned cemeteries within that county have been
10 relocated. As long as funds are available, the Archaeology and Historic Preservation
11 Section shall relocate the selected abandoned cemeteries in the remaining counties on
12 the list in order of ranking.

13 "§ 65-3.13. Contractor to perform relocation.

14 (a) The Archaeology and Historic Preservation Section shall receive written bids
15 for the relocation program from any person, firm, or corporation that:

16 (1) Is licensed in North Carolina for the practice of funeral directing
17 or funeral service pursuant to G.S. 90-210.25;

18 (2) Has been engaged in the business of cemetery relocation for the
19 previous 10 years; and

20 (3) Is qualified to relocate cemeteries based on past experience,
21 reputation, and other qualifications known to the Archaeology and
22 Historic Preservation Section.

23 (b) The Archaeology and Historic Preservation Section shall review the proposals
24 and select a person, firm, or corporation to perform the relocation of the selected
25 abandoned cemeteries. The State and this contractor shall enter into a negotiated
26 service contract.

27 (c) In lieu of requiring a performance bond from the contractor, the Archaeology
28 and Historic Preservation Section shall withhold at least ten percent (10%) of the
29 compensation to be paid according to the terms of the negotiated service contract
30 until the contractor has completed all of his obligations under the contract. No
31 performance bond may be required from the contractor.

32 (d) The total amount to be paid the contractor under the terms of the negotiated
33 service contract may not exceed the amount of monies available to the Department of
34 Cultural Resources for this purpose. This amount shall equal the current
35 appropriation less:

36 (1) The costs incurred by the Archaeology and Historic Preservation
37 Section in carrying out the provisions of this Article; and

38 (2) The costs to purchase, pursuant to G.S. 65-3.14(a), the properties
39 to which the selected abandoned cemeteries will be relocated.

40 "§ 65-3.14. Duties of the contractor.

41 (a) Upon the approval of the Archaeology and Historic Preservation Section, the
42 contractor shall select the sites to which the abandoned cemeteries are to be
43 relocated. The State shall obtain fee simple title to each site prior to relocating an
44 abandoned cemetery to that site.

1 (b) The contractor shall:

2 (1) Prepare each site by clearing undergrowth and constructing fences;

3 (2) Determine the location of each grave on the property;

4 (3) Disinter and remove graves at the cemetery to be relocated;

5 (4) Reinter the graves at the relocation site;

6 (5) Grade and landscape the relocation site; and

7 (6) Perform any other function necessary to effectuate the relocation.

8 **"§ 65-3.15. Supervision by Department; inspection of certain contents of graves.**

9 (a) The Archaeology and Historic Preservation Section shall supervise the
10 activities of the contractor listed in G.S. 65-3.14. The contractor's work shall be fully
11 satisfactory to the Archaeology and Historic Preservation Section.

12 (b) A representative of the Archaeology and Historic Preservation Section may
13 inspect the remains and:

14 (1) Study any remains uncovered at disinterment for up to two hours;
15 and

16 (2) Study those remains believed by the representative to be of
17 historical significance for a period not to exceed five days;
18 provided, however, that no more than ten percent (10%) of the
19 remains at any one abandoned cemetery may be studied during
20 one five-day period.

21 (c) Upon the invitation of the Archaeology and Historic Preservation Section,
22 college and university archaeology classes may observe the inspections and studies
23 conducted by the Archaeology and Historic Preservation Section and assist with these
24 inspections and studies.

25 **"§ 65-3.16. Future care of relocated cemeteries.**

26 (a) The Department of Correction is authorized to furnish prison labor from a
27 unit in a county to provide for the future care of a relocated cemetery in that county.
28 The wages to be paid this prison labor may be appropriated by the General Assembly
29 for this purpose.

30 (b) The Department of Cultural Resources may enter into contracts with private
31 persons, firms, or corporations for the provision of future care when future care has
32 not been provided for pursuant to subsection (a) of this section."

33 Section 2. The Department of Cultural Resources shall enter into a
34 negotiated service contract with a contractor pursuant to G.S. 65-3.13 within 60 days
35 after the effective date of this act.

36 Section 3. There is appropriated from the General Fund to the
37 Department of Cultural Resources, Division of Archives and History, Archaeology
38 and Historic Preservation Section, the sum of two hundred fifty thousand dollars
39 (\$250,000) for the 1999-2000 fiscal year to fund the program created by this act as
40 follows: an amount not to exceed fifty thousand dollars (\$50,000) shall be used for
41 the additional staff, equipment, supplies, and other expenses of the Department
42 necessary to effectuate this program; the remaining two hundred thousand dollars
43 (\$200,000) or more shall be used for the purchase of land by the State to be used as

1 relocation sites and for the payment of the contractor as provided in the negotiated
2 service contract.

3 Section 4. Funds appropriated in this act shall be expended only in
4 accordance with G.S. 121-11 and G.S. 143-31.2.

5 Section 5. This act becomes effective July 1, 1999.

**1999 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES**

The following report(s) from standing committee(s) is/are presented:

By Representative(s) **CULPEPPER** for the Committee on **RULES, CALENDAR AND
OPERATIONS OF THE HOUSE.**

- Committee Substitute for
H.B. 933 A BILL TO BE ENTITLED AN ACT TO CHANGE THE LAW REGARDING
CEMETERIES.
- With a favorable report.
- With a favorable report and recommendation that the bill be re-referred to the Committee on
Appropriations Finance .
- With a favorable report, as amended.
- With a favorable report, as amended, and recommendation that the bill be re-referred to the
Committee on Appropriations Finance .
- Without prejudice as to committee substitute bill, which changes the title, unfavorable as
to original bill, and recommendation that the committee substitute bill be re-referred to the
Committee on Appropriations.
- With a favorable report as to House committee substitute bill (#), which changes
the title, unfavorable as to Senate committee substitute bill.
- With an unfavorable report.
- With recommendation that the House concur.
- With recommendation that the House do not concur.
- With recommendation that the House do not concur; request conferees.
- With recommendation that the House concur; committee believes bill to be material.
- With an unfavorable report, with a Minority Report attached.
- Without prejudice.
- With an indefinite postponement report.
- With an indefinite postponement report, with a Minority Report attached.
- With recommendation that it be adopted. (HOUSE RESOLUTION ONLY)

2/24/99

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1999

H

4

HOUSE BILL 1095
Corrected Copy 4/19/99
Committee Substitute Favorable 4/26/99
Committee Substitute #2 Favorable 5/17/99

Short Title: Clinical Pharmacist Practitioner.

(Public)

Sponsors:

Referred to:

April 15, 1999

1 A BILL TO BE ENTITLED
2 AN ACT AUTHORIZING THE NORTH CAROLINA MEDICAL BOARD AND
3 THE BOARD OF PHARMACY TO ADOPT RULES TO APPROVE CLINICAL
4 PHARMACIST PRACTITIONERS TO PRACTICE DRUG THERAPY
5 MANAGEMENT PURSUANT TO A DRUG THERAPY MANAGEMENT
6 AGREEMENT.
7 The General Assembly of North Carolina enacts:
8 Section 1. G.S. 90-6 reads as rewritten:
9 "§ 90-6. ~~Regulations~~ Rules governing applicants for license, examinations, etc.;
10 ~~appointment of subcommittee.~~ subcommittees.
11 (a) The North Carolina Medical Board is empowered to prescribe such ~~regulations~~
12 rules as it may deem proper, governing applicants for license, admission to
13 examinations, the conduct of applicants during examinations, and the conduct of
14 examinations proper.
15 (b) The North Carolina Medical Board shall appoint and maintain a subcommittee
16 to work jointly with a subcommittee of the Board of Nursing to develop rules ~~and~~
17 ~~regulations~~ to govern the performance of medical acts by registered nurses, including
18 the determination of reasonable fees to accompany an application for approval not to
19 exceed one hundred dollars (\$100.00) and for renewal of approval not to exceed fifty
20 dollars (\$50.00). The fee for reactivation of an inactive incomplete application shall
21 be five dollars (\$5.00). Rules ~~and regulations~~ developed by this subcommittee from

1 time to time shall govern the performance of medical acts by registered nurses and
2 shall become effective when adopted by both the North Carolina Medical Board and
3 the Board of Nursing. The North Carolina Medical Board shall have responsibility for
4 securing compliance with these ~~regulations~~ rules.

5 (c) The North Carolina Medical Board shall appoint and maintain a subcommittee
6 of four licensed physicians to work jointly with a subcommittee of the North Carolina
7 Board of Pharmacy to develop rules to govern the performance of medical acts by
8 clinical pharmacist practitioners, including the determination of reasonable fees to
9 accompany an application for approval not to exceed one hundred dollars (\$100.00)
10 and for renewal of approval not to exceed fifty dollars (\$50.00). The fee for
11 reactivation of an inactive incomplete application shall be five dollars (\$5.00). Rules
12 recommended by the subcommittee shall be adopted in accordance with Chapter
13 150B of the General Statutes by both the North Carolina Medical Board and the
14 North Carolina Board of Pharmacy and shall not become effective until adopted by
15 both Boards. The North Carolina Medical Board shall have responsibility for
16 ensuring compliance with these rules."

17 Section 2. G.S. 90-18(c) is amended by adding a new subdivision to read:

18 "(3a) The provision of drug therapy management by a licensed
19 pharmacist engaged in the practice of pharmacy pursuant to an
20 agreement that is physician, pharmacist, patient, and disease
21 specific when performed in accordance with rules and rules
22 developed by a joint subcommittee of the North Carolina Medical
23 Board and the North Carolina Board of Pharmacy and approved
24 by both Boards. Drug therapy management shall be defined as: (i)
25 the implementation of predetermined drug therapy which includes
26 diagnosis and product selection by the patient's physician; (ii)
27 modification of prescribed drug dosages, dosage forms, and dosage
28 schedules; and (iii) ordering tests; (i), (ii), and (iii) shall be
29 pursuant to an agreement that is physician, pharmacist, patient,
30 and disease specific."

31 Section 3. Article 1 of Chapter 90 of the General Statutes is amended by
32 adding a new section to read:

33 "§ 90-18.3. Limitations on clinical pharmacist practitioners.

34 (a) Any pharmacist who is approved under the provisions of G.S. 90-18(c)(3a) to
35 perform medical acts, tasks, and functions may use the title 'clinical pharmacist
36 practitioner'. Any other person who uses the title in any form or holds himself or
37 herself out to be a clinical pharmacist practitioner or to be so licensed shall be
38 deemed to be in violation of this Article.

39 (b) Clinical pharmacist practitioners are authorized to implement predetermined
40 drug therapy, which includes diagnosis and product selection by the patient's
41 physician, modify prescribed drug dosages, dosage forms, and dosage schedules, and
42 to order laboratory tests pursuant to a drug therapy management agreement that is
43 physician, pharmacist, patient, and disease specific under the following conditions:

- 1 (1) The North Carolina Medical Board and the North Carolina Board
2 of Pharmacy have adopted rules developed by a joint
3 subcommittee governing the approval of individual clinical
4 pharmacist practitioners to practice drug therapy management with
5 such limitations that the Boards determine to be in the best interest
6 of patient health and safety.
- 7 (2) The clinical pharmacist practitioner has current approval from
8 both Boards.
- 9 (3) The North Carolina Medical Board has assigned an identification
10 number to the clinical pharmacist practitioner which is shown on
11 written prescriptions written by the clinical pharmacist practitioner.
- 12 (4) The drug therapy management agreement prohibits the substitution
13 of a chemically dissimilar drug product by the pharmacist for the
14 product prescribed by the physician without the explicit consent of
15 the physician and includes a policy for periodic review by the
16 physician of the drugs modified pursuant to the agreement or
17 changed with the consent of the physician.
- 18 (c) Clinical pharmacist practitioners in hospitals and other health facilities that
19 have an established pharmacy and therapeutics committee or similar group that
20 determines the prescription drug formulary or other list of drugs to be utilized in the
21 facility and determines procedures to be followed when considering a drug for
22 inclusion on the formulary and procedures to acquire a nonformulary drug for a
23 patient may order medications and tests under the following conditions:
- 24 (1) The North Carolina Medical Board and the North Carolina Board
25 of Pharmacy have adopted rules governing the approval of
26 individual clinical pharmacist practitioners to order medications
27 and tests with such limitations as the Boards determine to be in the
28 best interest of patient health and safety.
- 29 (2) The clinical pharmacist practitioner has current approval from
30 both Boards.
- 31 (3) The supervising physician has provided to the clinical pharmacist
32 practitioner written instructions for ordering, changing, or
33 substituting drugs, or ordering tests with provision for review of the
34 order by the physician within a reasonable time, as determined by
35 the Boards, after the medication or tests are ordered.
- 36 (4) The hospital or health facility has adopted a written policy,
37 approved by the medical staff after consultation with nursing
38 administrators, concerning the ordering of medications and tests,
39 including procedures for verification of the clinical pharmacist
40 practitioner's orders by nurses and other facility employees and
41 such other procedures that are in the best interest of patient health
42 and safety.
- 43 (5) Any drug therapy order written by a clinical pharmacist
44 practitioner or order for medications or tests shall be deemed to

1 have been authorized by the physician approved by the Boards as
2 the supervisor of the clinical pharmacist practitioner and the
3 supervising physician shall be responsible for authorizing the
4 prescription order.

5 (d) Any registered nurse or licensed practical nurse who receives a drug therapy
6 order from a clinical pharmacist practitioner for medications or tests is authorized to
7 perform that order in the same manner as if the order was received from a licensed
8 physician."

9 Section 4. G.S. 90-85.3 is amended by adding a new subsection to read:

10 "(b1) 'Clinical pharmacist practitioner' means a licensed pharmacist who meets
11 the guidelines and criteria for such title established by the joint subcommittee of the
12 North Carolina Medical Board and the North Carolina Board of Pharmacy and is
13 authorized to enter into drug therapy management agreements with physicians in
14 accordance with the provisions of G.S. 90-18.3."

15 Section 5. G.S. 90-85.3(r) reads as rewritten:

16 "(r) 'Practice of pharmacy' means the responsibility for: interpreting and
17 evaluating drug orders, including prescription orders; compounding, dispensing and
18 labeling prescription drugs and devices; properly and safely storing drugs and devices;
19 maintaining proper records; and controlling pharmacy goods and services. A
20 pharmacist may advise and educate patients and health care providers concerning
21 therapeutic values, content, uses and significant problems of drugs and devices; assess,
22 record and report adverse drug and device reactions; take and record patient histories
23 relating to drug and device therapy; monitor, record and report drug therapy and
24 device usage; perform drug utilization reviews; and participate in drug and drug
25 source selection and device and device source selection as provided in G.S. 90-85.27
26 through G.S. 90-85.31. A pharmacist who has received special training may be
27 authorized and permitted to administer drugs pursuant to a specific prescription
28 order in accordance with rules ~~and regulations~~ adopted by each of the Boards of
29 Pharmacy, the Board of Nursing, and the North Carolina Medical Board. ~~Such~~ The
30 rules ~~and regulations~~ shall be designed to ensure the safety and health of the patients
31 for whom such drugs are administered. An approved clinical pharmacist practitioner
32 may collaborate with physicians in determining the appropriate health care for a
33 patient, subject to the provisions of G.S. 90-18.3."

34 Section 6. Article 4A of Chapter 90 of the General Statutes is amended
35 by adding a new section to read:

36 **"§ 90-85.26A. Clinical pharmacist practitioners subcommittee.**

37 The North Carolina Board of Pharmacy shall appoint and maintain a
38 subcommittee of the Board consisting of four licensed pharmacists to work jointly
39 with the subcommittee of the North Carolina Medical Board to develop rules to
40 govern the provision of drug therapy management by clinical pharmacist practitioners
41 and to determine reasonable fees to accompany an application for approval or
42 renewal of such approval as provided in G.S. 90-6. The rules developed by this
43 subcommittee shall govern the performance of acts by clinical pharmacist

- 1 practitioners and shall become effective when they have been adopted by both
2 Boards."
3 Section 7. Sections 2 through 5 of this act become effective July 1, 2000.
4 The remainder of this act is effective when it becomes law.

**1999 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES**

The following report(s) from standing committee(s) is/are presented:

By Representative(s) **CULPEPPER** for the Committee on **RULES, CALENDAR AND OPERATIONS OF THE HOUSE.**

- Committee Substitute #2 for
H.B. 1095 A BILL TO BE ENTITLED AN ACT AUTHORIZING THE NORTH
CAROLINA MEDICAL BOARD AND THE BOARD OF PHARMACY TO ADOPT
RULES TO APPROVE CLINICAL PHARMACIST PRACTITIONERS TO PRACTICE
DRUG THERAPY MANAGEMENT PURSUANT TO A DRUG THERAPY
MANAGEMENT AGREEMENT.
- With a favorable report.
- With a favorable report and recommendation that the bill be re-referred to the Committee on
Appropriations Finance .
- With a favorable report, as amended.
- With a favorable report, as amended, and recommendation that the bill be re-referred to the
Committee on Appropriations Finance .
- With a favorable report as to committee substitute bill (#), which changes the title,
unfavorable as to (original bill) (Committee Substitute Bill #), (and recommendation
that the committee substitute bill #) be re-referred to the Committee on .)
- With a favorable report as to House committee substitute bill (#), which changes
the title, unfavorable as to Senate committee substitute bill.
- With an unfavorable report.
- With recommendation that the House concur.
- With recommendation that the House do not concur.
- With recommendation that the House do not concur; request conferees.
- With recommendation that the House concur; committee believes bill to be material.
- With an unfavorable report, with a Minority Report attached.
- Without prejudice.
- With an indefinite postponement report.
- With an indefinite postponement report, with a Minority Report attached.
- With recommendation that it be adopted. (HOUSE RESOLUTION ONLY)

2/24/99

AGENDA

**HOUSE COMMITTEE ON RULES, CALENDAR AND
OPERATIONS OF THE HOUSE**

**June 16, 1999
Room 421 LOB
1:05 PM**

OPENING REMARKS

Representative Culpepper, Chairman

CONSIDERATION OF BILLS

ACTION TAKEN ON BILLS

ADJOURNMENT

MINUTES OF THE COMMITTEE ON RULES, CALENDAR AND OPERATIONS OF
THE HOUSE

June 16, 1999

The Committee on Rules, Calendar and Operations of the House met on June 16, 1999 at 1:05 p.m. in Room 421 of the Legislative Office Building. The following members were present: Representatives Culpepper, Chairman; Hackney, Vice Chairman; Alexander, Crawford, Hill, Luebke, McCombs, Nye, Tolson, Wright and Yongue.

The following bills were considered:

HOUSE BILL 507-AN ACT RELATING TO THE TOWN OF CAPE CARTERET. Representative Smith, bill sponsor, offered a proposed committee substitute which changed the title to AN ACT CONCERNING ANNEXATIONS BY THE TOWNS OF CAPE CARTERET AND BOGUE. Representative Hill moved for its adoption for purposes of discussion. Without objection, the motion carried. Representative Nye made a motion to report the bill without prejudice, unfavorable as to the original bill and recommendation that the committee substitute be re-referred to the Committee on Finance. The motion passed.

SENATE COMMITTEE SUBSTITUTE FOR HOUSE BILL 852-AN ACT CONCERNING ANNEXATION OF NONCONTIGUOUS AREAS BY THE CITY OF HICKORY AND THE TOWN OF BROOKFORD, AND ANNEXATION OF CERTAIN DESCRIBED PROPERTY BY THE TOWN OF MOCKSVILLE was before the committee for concurrence. The bill was introduced by Representative Buchanan who spoke on the bill. Representative McCombs moved that the House concur. The motion carried.

HOUSE JOINT RESOLUTION 1463-A JOINT RESOLUTION HONORING THE LIFE AND MEMORY OF DAVID CLARK, A FORMER MEMBER OF THE NORTH CAROLINA GENERAL ASSEMBLY. Representative Barefoot, bill sponsor, spoke on the resolution. Representative Luebke moved that the resolution be given a favorable report. Motion carried.

COMMITTEE SUBSTITUTE FOR HOUSE BILL 1135-AN ACT TO IMPLEMENT THE RECOMMENDATIONS OF THE GOVERNOR'S DWI TASK FORCE. Representative Hackney, bill sponsor, offered a new proposed committee substitute. Representative Hill moved for adoption of the new proposed committee substitute for purposes of discussion. Without objection, the chairman so ordered. Following Representative Hackney's explanation of the new proposed committee substitute, he moved that committee substitute #2 be given a favorable report, unfavorable as to committee substitute #1. Motion passed.

HOUSE JOINT RESOLUTION 1486-A JOINT RESOLUTION
COMMEMORATING JUNETEENTH AND HONORING THE MEMORY OF THE

HUNDREDS OF THOUSANDS OF AFRICAN-AMERICANS WHO WERE ENSLAVED IN THIS COUNTY. Representative Womble presented the resolution. Representative Wright moved that it be given a favorable report. The motion passed.

SENATE JOINT RESOLUTION 470-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. Representative Nye moved that the resolution be adopted for the purposes of discussion. Motion passed. Representative Luebke made a motion for a favorable report of the resolution, and the motion carried.

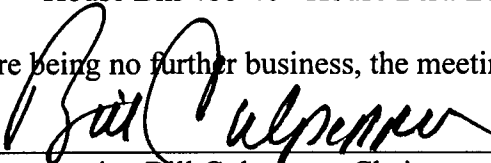
SENATE BILL 812-AN ACT TO REQUIRE THAT A FOOD OR RETAIL BUSINESS THAT HOLDS AN ABC PERMIT AND IS LOCATED IN AN URBAN REDEVELOPMENT AREA SHALL NOT HAVE ALCOHOLIC BEVERAGE SALES IN EXCESS OF FIFTY PERCENT OF THE BUSINESS'S TOTAL ANNUAL SALES. Senator Reeves is the bill sponsor. He was recognized and stated that the bill would put reasonable limitations on convenience stores that are selling principally beer and wine in urban redevelopment zones and is supported by, among others, the Raleigh and Durham City Councils, and the League of Municipalities. Representative Tolson made a motion that the bill be reported without prejudice. The motion carried.

At the request of the chairman Representative McCombs moved that the following blank bills listed by short titles be postponed indefinitely. The motion carried.

House Bill 29-Randolph County Local Act.
House Bill 30-City of Asheboro.
House Bill 124-52nd House District Local Act.
House Bill 134-Buncombe Local Act-2.
House Bill 135-Buncombe Local Act-1.
House Bill 154-Hoke Local Act.
House Bill 155-Robeson Local Act.
House Bill 156-Robeson Local Act..
House Bill 157-Scotland Local Act
House Bill 158-Hoke Local Act.
House Bill 183-Macon County Local Act.
House Bill 184-Macon County Local Act.
House Bill 185-Cherokee County Local Act.
House Bill 186-Clay County Local Act.
House Bill 205-Scotland Local Act.
House Bill 206-Town of Wallace.
House Bill 207-Burke County Local Act.
House Bill 208-Mitchell County Local Act.
House Bill 209-Avery County Local Act.
House Bill 210-Catawba County Local Act.
House Bill 211-Caldwell County Local Act.

House Bill 212-Spruce Pine Local Act.
House Bill 217-Buncombe Local Act.
House Bill 218-Buncombe Local Act.
House Bill 230-Onslow Local Act.
House Bill 231-Onslow Local Act.
House Bill 232-Carteret Local Act.
House Bill 233-Carteret Local Act.
House Bill 265-33rd House Dist. Local Act-2.
House Bill 266-33rd House Dist. Local Act-1.
House Bill 267-33rd House Dist. Local Act.
House Bill 268-33rd House Dist. Local Act.
House Bill 281-Stanly County Local Act.
House Bill 282-Union County Local Act.
House Bill 288-Transylvania County Local Act-1.
House Bill 289-Transylvania County Local Act-2.
House Bill 348-High Point Local Act.
House Bill 349-Guilford County Local Act.
House Bill 350-Davidson County Local Act.
House Bill 356-Cabarrus County Local Act.
House Bill 359-Catawba County Local Act.
House Bill 365-Iredell County Local Act.
House Bill 366-Guilford County Local Act-2.
House Bill 367-Guilford County Local Act-1.
House Bill 368-Greensboro Local Act-1.
House Bill 380-Rutherford County Local Act.
House Bill 381-Cleveland County Local Act.
House Bill 382-Cleveland County Local Act.
House Bill 383-Town of Matthews.
House Bill 384-Town of Mint Hill.
House Bill 390-41st House Dist. Local Act-1.
House Bill 391-41st House Dist. Local Act-2.
House Bill 392-41st House Dist. Local Act-3.
House Bill 393-41st House Dist. Local Act-4.
House Bill 415-40th House Dist. Local Act-5.
House Bill 416-40th House Dist. Local Act-4.
House Bill 417-40th House Dist. Local Act-2.
House Bill 418-40th House Dist. Local Act-1.

There being no further business, the meeting adjourned at 1:30 p.m.


Representative Bill Culpepper, Chairman


Dorothy C. Crocker, Committee Assistant

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 1999

H

1

HOUSE BILL 507

Short Title: Cape Carteret Local Act.

(Local)

Sponsors: Representative Smith.

Referred to: Rules, Calendar and Operations of the House.

March 22, 1999

- 1 A BILL TO BE ENTITLED
- 2 AN ACT RELATING TO THE TOWN OF CAPE CARTERET.
- 3 The General Assembly of North Carolina enacts:
- 4 Section 1. This act relates to the Town of Cape Carteret.
- 5 Section 2. This act is effective when it becomes law.

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1999

H

D

HOUSE BILL 507

Proposed Committee Substitute H507-CSLM-1

ATTENTION: LINES NUMBER MAY CHANGE AFTER ADOPTION

Short Title: Cape Carteret/Bogue Annexations.

(Local)

Sponsors:

Referred to:

March 22, 1999

1 A BILL TO BE ENTITLED
2 AN ACT CONCERNING ANNEXATIONS BY THE TOWNS OF CAPE CARTERET AND
3 BOGUE.
4 The General Assembly of North Carolina enacts:
5 Section 1. The following described property is added to
6 the Town of Bogue:
7 Those properties bearing Carteret County tax parcel
8 numbers 538519710111, 538519700935, 538519617136, 538519614172,
9 538519606934, 538519606843, 538519604475, 538519603441, and
10 538519601347 regardless of their inclusion in Town of Cape
11 Carteret Annexation Ordinance 96-07-01.
12 Section 2. The following described property is added to
13 the Town of Cape Carteret:
14 - Lots 1, 4 (and that unnumbered area north of Lot 4), 6,
15 7, 8, 9, 10, 12, 13, 14, 15, 16, 17, Section C, and the
16 "Recreation Area" south of Lot 1, Section C, all
17 according to the plat of Quail Wood Acres recorded in
18 Map Book 23, Page 41, Carteret County Registry.
19 - Lots 1, 2, 3, and 23, Section A, Quail Wood Acres, as
20 recorded in Map Book 15, Page 55, Carteret County
21 Registry.

1 - That portion of Fox Drive north of a westward extension
2 of the northern boundary line of Carteret County tax
3 parcel number 538519710111.

4 Section 3. Except for those properties added to the Town of
5 Bogue in Section 1 of this act, Town of Cape Carteret Annexation
6 Ordinance No. 96-07-01 is approved and shall become effective on
7 July 1, 1999 or when this act becomes law, whichever occurs
8 later.

9 Section 4. The Town of Cape Carteret and the Town of Bogue
10 shall have the authority, prospectively or retroactively, to
11 agree to the establishment of zoning buffers along their common
12 city limit lines.

13 Section 5. This act is effective on July 1, 1999 or when it
14 becomes law, whichever occurs later.

**1999 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES**

The following report(s) from standing committee(s) is/are presented:

By Representative(s) **CULPEPPER** for the Committee on **RULES, CALENDAR AND OPERATIONS OF THE HOUSE.**

- Committee Substitute for
H.B. 507 A BILL TO BE ENTITLED AN ACT RELATING TO THE TOWN OF CAPE
CARTERET.
- With a favorable report.
- With a favorable report and recommendation that the bill be re-referred to the Committee on
Appropriations Finance .
- With a favorable report, as amended.
- With a favorable report, as amended, and recommendation that the bill be re-referred to the
Committee on Appropriations Finance .
- Without prejudice as to committee substitute bill which changes the title, unfavorable as
to original bill, and recommendation that the committee substitute bill be re-referred to the
Committee on Finance.
- With a favorable report as to House committee substitute bill (#), which changes
the title, unfavorable as to Senate committee substitute bill.
- With an unfavorable report.
- With recommendation that the House concur.
- With recommendation that the House do not concur.
- With recommendation that the House do not concur; request conferees.
- With recommendation that the House concur; committee believes bill to be material.
- With an unfavorable report, with a Minority Report attached.
- Without prejudice.
- With an indefinite postponement report.
- With an indefinite postponement report, with a Minority Report attached.
- With recommendation that it be adopted. (HOUSE RESOLUTION ONLY)

2/24/99

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1999

H

4

HOUSE BILL 852
Committee Substitute Favorable 4/20/99
Third Edition Engrossed 4/23/99
Senate Finance Committee Substitute Adopted 5/26/99

Short Title: Hickory/Mocksville Annexations.

(Local)

Sponsors:

Referred to:

April 1, 1999

1 A BILL TO BE ENTITLED
2 AN ACT CONCERNING ANNEXATION OF NONCONTIGUOUS AREAS BY
3 THE CITY OF HICKORY AND THE TOWN OF BROOKFORD, AND
4 ANNEXATION OF CERTAIN DESCRIBED PROPERTY BY THE TOWN OF
5 MOCKSVILLE.

6 The General Assembly of North Carolina enacts:

7 Section 1. G.S. 160A-58.1(b)(2) shall not apply to the City of Hickory or
8 the Town of Brookford as to any property if the City or Town has entered into an
9 annexation agreement pursuant to Part 6 of Article 4A of Chapter 160A of the
10 General Statutes with the city to which a point on the proposed satellite corporate
11 limits is closer and that agreement states that the other city will not annex the
12 property, except that this modification shall not apply to the boundary agreement
13 between the City of Hickory and the City of Newton dated May 7, 1996. This section
14 shall have no effect on the ability of the City of Hickory to annex property under
15 Part 4 of Chapter 160A of the General Statutes if the property is closer to the Town
16 of Maiden than it is to the City of Hickory.

17 Section 2. The following described property is added to the corporate
18 limits of the Town of Mocksville:

19 Beginning at a concrete monument set, said monument being located N 59° 50'
20 17" W 2511.7' from the intersection of North Main St. and Campbell Road in the
21 Town of Mocksville, North Carolina, also being further located N 02° 27' 33" E

1 71.62' from the Southeast corner of a Mocksville Annexation Map as recorded in Plat
 2 Book 6, page 131, Davie County Registry, thence;

3	N 02°27'33" E	549.70', TO A CONCRETE MON. FOUND
4	N 02°27'33" E	996.50', TO A POINT CL CAMPBELL RD.
5	N 02°27'33" E	586.50', TO A .75" IRON NORTH SIDE CREEK
6	S 61°04'29" E	120.56', TO A POINT IN CREEK
7	N 71°42'10" E	327.39', TO A POINT IN CREEK
8	N 63°23'29" E	291.04', TO A POINT IN CREEK
9	N 77°18'07" E	401.50', TO A POINT IN CREEK
10	N 61°34'10" E	240.46', TO A POINT IN CREEK
11	N 39°26'56" E	244.24', TO A POINT IN CREEK
12	N 58°10'43" E	442.61', TO A POINT IN CREEK
13	N 62°22'28" E	193.44', TO A POINT IN CREEK
14	N 58°47'38" E	280.10', TO AN AXLE NORTH SIDE CREEK
15	S 01°32'31" W	1644.56', TO AN IRON PLACED
16	S 40°24'40" W	455.40', TO AN IRON PLACED
17	S 31°14'59" W	132.00', TO A 0.75" SOLID IRON FOUND
18	N 68°45'01" W	167.34', TO A LEAF SPRING FOUND
19	S 42°14'59" W	87.12', TO AN UNMARKED POINT
20	S 30°05'50" W	138.05', TO AN UNMARKED POINT
21	S 82°30'57" E	211.20', TO A 0.5" IRON FOUND
22	S 04°59'04" E	82.78', TO A 0.5" IRON FOUND
23	S 28°26'07" E	95.35', TO A 0.5" IRON FOUND
24	S 28°12'02" E	100.28', TO A 0.5" IRON FOUND
25	S 28°32'14" E	77.59', TO A 0.5" IRON FOUND
26	S 53°29'41" E	160.61', TO AN UNMARKED POINT
27	S 58°03'55" E	613.64', TO AN IRON PLACED
28	S 21°59'37" W	32.15', TO A CONCRETE MON. FOUND
29	S 58°16'00" E	33.33', TO A 0.75" IRON FOUND
30	S 27°17'18" W	120.04', TO A 1.5" IRON FOUND
31	S 27°22'16" W	125.14', TO A CONCRETE MON. FOUND
32	S 25°31'34" W	24.55', TO A 0.5" IRON FOUND
33	N 62°48'48" W	260.19', TO AN IRON PLACED
34	S 27°03'32" W	100.14', TO A 0.5" REBAR FOUND
35	S 27°03'46" W	99.65', TO A 0.5" IRON FOUND
36	S 27°03'19" W	99.83', TO A 0.5" IRON FOUND
37	S 26°59'36" W	296.54', TO A 0.75" IRON FOUND
38	S 26°59'46" W	206.54', TO A 0.5" IRON FOUND
39	S 01°24'53" W	55.08', TO A CONCRETE MON. SET
40	N 59°52'17" W	566.80', TO A CONCRETE MON. SET
41	(ARC = 567.07, RADIUS = 5280.00)	
42	N 28°59'18" E	29.26', TO AN UNMARKED POINT
43	N 45°50'52" W	107.94', TO AN UNMARKED POINT
44	N 47°20'22" W	107.50', TO A 0.5" IRON FOUND

- 1 S 39°58'19" W 71.28', TO A POINT IN HILLCREST ST.
- 2 S 48°24'43" E. 88.38', TO A POINT IN HILLCREST ST.
- 3 N 71°52'36" W 1369.48', TO A CONCRETE MON. SET
- 4 (ARC = 1373.35, RADIUS = 5280.00).
- 5 Section 3. This act shall have no effect on any cases pending in the
- 6 courts in this State.
- 7 Section 4. This act is effective when it becomes law.

**1999 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES**

The following report(s) from standing committee(s) is/are presented:

By Representative(s) **CULPEPPER** for the Committee on **RULES, CALENDAR AND OPERATIONS OF THE HOUSE.**

Senate Committee Substitute for
H.B. 852 A BILL TO BE ENTITLED AN ACT CONCERNING ANNEXATION OF
NONCONTIGUOUS AREAS BY THE CITY OF HICKORY AND THE TOWN OF
BROOKFORD, AND ANNEXATION OF CERTAIN DESCRIBED PROPERTY BY THE
TOWN OF MOCKSVILLE.

With a favorable report.

- With a favorable report and recommendation that the bill be re-referred to the Committee on
Appropriations Finance .
- With a favorable report, as amended.
- With a favorable report, as amended, and recommendation that the bill be re-referred to the
Committee on Appropriations Finance .
- With a favorable report as to committee substitute bill (#), which changes the title,
unfavorable as to (original bill) (Committee Substitute Bill #), (and recommendation
that the committee substitute bill #) be re-referred to the Committee on .)
- With a favorable report as to House committee substitute bill (#), which changes
the title, unfavorable as to Senate committee substitute bill.
- With an unfavorable report.
- With recommendation that the House concur.
- With recommendation that the House do not concur.
- With recommendation that the House do not concur; request conferees.
- With recommendation that the House concur; committee believes bill to be material.
- With an unfavorable report, with a Minority Report attached.
- Without prejudice.
- With an indefinite postponement report.
- With an indefinite postponement report, with a Minority Report attached.
- With recommendation that it be adopted. (HOUSE RESOLUTION ONLY)

2/24/99

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1999

H

1

HOUSE JOINT RESOLUTION 1463

Sponsors: Representative Barefoot.

Referred to: Rules, Calendar and Operations of the House.

May 5, 1999

1 A JOINT RESOLUTION HONORING THE LIFE AND MEMORY OF DAVID
2 CLARK, A FORMER MEMBER OF THE NORTH CAROLINA GENERAL
3 ASSEMBLY.

4 Whereas, David Clark was born on July 4, 1922, in Lincolnton, North
5 Carolina, to Thorne McKenzie Clark and Mabel Gossett Clark; and

6 Whereas, David Clark descended from a family that had distinguished
7 itself in State and national affairs: his father, Thorne McKenzie Clark, served as a
8 member of the North Carolina General Assembly in 1937-1938; his grandfather,
9 Judge Walter Clark, served as Chief Justice of the North Carolina Supreme Court;
10 his great-grandfather, William Alexander Graham, served as Governor of North
11 Carolina, United States Senator, Secretary of the United States Navy, and was the
12 nominee of the Whig Party for Vice President of the United States in 1852; and his
13 great-great-grandfather, General Joseph Graham, was a hero of the Revolutionary
14 War and the War of 1812; and

15 Whereas, David Clark served as a first lieutenant in the United States
16 Army Air Force from 1943 to 1946, seeing action in the Pacific as a bomber pilot,
17 and was awarded a Pacific Theater of Operations Decorated Air Medal; and

18 Whereas, David Clark graduated from Washington and Lee University in
19 1947 and from the University of North Carolina School of Law in 1950; and

20 Whereas, David Clark maintained a successful law practice in Lincolnton
21 from 1950 until his death in 1997; and

22 Whereas, David Clark was deeply interested and involved in the political
23 affairs of North Carolina throughout his life, serving with distinction in the North
24 Carolina House of Representatives from 1951 to 1957 and in the North Carolina
25 Senate in 1963; and

1 Whereas, David Clark was appointed by Governors Umstead and Hodges
2 to chair the State Government Reorganization Commission from 1955 to 1957, from
3 which came many measures and initiatives that improved and modernized State
4 government; and

5 Whereas, David Clark narrowly missed election to the United States
6 House of Representatives on two occasions when he ran spirited campaigns against
7 Charles Raper Jonas; and

8 Whereas, David Clark devoted much of his professional life to the
9 economic growth and development of his native State and the southeast: he was one
10 of the visionaries whose dream became reality in the Research Triangle Park; he was
11 a successful and innovative real estate developer in varied projects that ranged from
12 major condominium and apartment complexes in Washington, D.C., and Maryland to
13 the first shopping center in Lincoln County to large commercial egg production
14 facilities in Georgia, North Carolina, and Minnesota, to a 104-room motel in Florida
15 to a 2,000-acre cattle farm in Lincoln County. He was a tireless recruiter of industry
16 to North Carolina; and

17 Whereas, David Clark saw the value and economy of air transportation of
18 goods and materials, and to that end, he created several commercial aviation
19 companies including Mountain Air Cargo, Inc., the very first tenant in the State's
20 Global TransPark; and

21 Whereas, David Clark was a valuable and dedicated business leader in
22 North Carolina and served as a board member of many companies including
23 Cameron Brown Investment Group, Burris Industries, Washburn Graphics, Carolina
24 First National Bank, and Lincoln County Broadcasting, Inc., (the first radio station in
25 Lincoln County); and

26 Whereas, David Clark was a volunteer in many civic, cultural, and
27 charitable causes, some of which included the Crossnore School, the American Red
28 Cross, the American Legion, the Veterans of Foreign Wars, the Masons, and Rotary
29 International; and

30 Whereas, David Clark was a long-time member of First Presbyterian
31 Church of Lincolnton where he served as an officer and Sunday School teacher; and

32 Whereas, David Clark died on April 18, 1997; and

33 Whereas, David Clark was a devoted husband to his beloved wife, the
34 former Kathryn King Goode, who predeceased him; a loving father to his four
35 children, David, Jr., Allison, Walter, and Caroline; and a doting grandfather to his
36 grandchildren; and

37 Whereas, David Clark will be remembered for his many contributions to
38 the State of North Carolina; and

39 Whereas, the General Assembly wishes to show its appreciation for his
40 life and accomplishments and extend its sincere sympathy to his family; Now,
41 therefore,

42 Be it resolved by the House of Representatives, the Senate concurring:

1 Section 1. The General Assembly expresses high esteem and regard for
2 the extraordinary life and service of David Clark and mourns the loss of one of North
3 Carolina's distinguished native sons.

4 Section 2. The General Assembly extends its sincere sympathy to the
5 family of David Clark for the loss of a beloved husband, father, grandfather, and
6 friend.

7 Section 3. The Secretary of State shall transmit a certified copy of this
8 resolution to the family of David Clark.

9 Section 4. This resolution is effective upon ratification.

**1999 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES**

The following report(s) from standing committee(s) is/are presented:

By Representative(s) **CULPEPPER** for the Committee on **RULES, CALENDAR AND OPERATIONS OF THE HOUSE.**

- Committee Substitute for
H.J.R. 1463 A JOINT RESOLUTION HONORING THE LIFE AND MEMORY OF
DAVID CLARK, A FORMER MEMBER OF THE NORTH CAROLINA GENERAL
ASSEMBLY.
- With a favorable report.
- With a favorable report and recommendation that the bill be re-referred to the Committee on
Appropriations Finance .
- With a favorable report, as amended.
- With a favorable report, as amended, and recommendation that the bill be re-referred to the
Committee on Appropriations Finance .
- With a favorable report as to committee substitute bill (#), which changes the title,
unfavorable as to (original bill) (Committee Substitute Bill #), (and recommendation
that the committee substitute bill #) be re-referred to the Committee on .)
- With a favorable report as to House committee substitute bill (#), which changes
the title, unfavorable as to Senate committee substitute bill.
- With an unfavorable report.
- With recommendation that the House concur.
- With recommendation that the House do not concur.
- With recommendation that the House do not concur; request conferees.
- With recommendation that the House concur; committee believes bill to be material.
- With an unfavorable report, with a Minority Report attached.
- Without prejudice.
- With an indefinite postponement report.
- With an indefinite postponement report, with a Minority Report attached.
- With recommendation that it be adopted. (HOUSE RESOLUTION ONLY)

2/24/99

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1999

H

4

HOUSE BILL 1135
Committee Substitute Favorable 4/22/99
Third Edition Engrossed 4/26/99
Corrected Copy 4/30/99

Short Title: 1999 Governor's DWI Amendments.

(Public)

Sponsors:

Referred to:

April 15, 1999

1 A BILL TO BE ENTITLED
2 AN ACT TO IMPLEMENT THE RECOMMENDATIONS OF THE GOVERNOR'S
3 DWI TASK FORCE.

4 The General Assembly of North Carolina enacts:

5

6 PART I. LOWER TOLERANCE FOR REPEAT OFFENDERS

7 Section 1. G.S. 20-16.2 reads as rewritten:

8 "**§ 20-16.2. Implied consent to chemical analysis; mandatory revocation of license in**
9 **event of refusal; right of driver to request analysis.**

10 (a) Basis for Charging Officer to Require Chemical Analysis; Notification of
11 Rights. -- Any person who drives a vehicle on a highway or public vehicular area
12 thereby gives consent to a chemical analysis if charged with an implied-consent
13 offense. The charging officer shall designate the type of chemical analysis to be
14 administered, and it may be administered when the officer has reasonable grounds to
15 believe that the person charged has committed the implied-consent offense.

16 Except as provided in this subsection or subsection (b), before any type of
17 chemical analysis is administered the person charged shall be taken before a chemical
18 analyst authorized to administer a test of a person's breath, who shall inform the
19 person orally and also give the person a notice in writing that:

20 (1) The person has a right to refuse to be tested.

- 1 (2) Refusal to take any required test or tests will result in an
2 immediate revocation of the person's driving privilege for at least
3 30 days and an additional 12-month revocation by the Division of
4 Motor Vehicles.
- 5 (3) The test results, or the fact of the person's refusal, will be
6 admissible in evidence at trial on the offense charged.
- 7 (4) The person's driving privilege will be revoked immediately for at
8 least 30 days if:
- 9 a. The test reveals an alcohol concentration of 0.08 or more;
10 b. The person was driving a commercial motor vehicle and the
11 test reveals an alcohol concentration of 0.04 or more; or
12 c. The person is under 21 years of age and the test reveals any
13 alcohol concentration.
- 14 (5) The person may choose a qualified person to administer a
15 chemical test or tests in addition to any test administered at the
16 direction of the charging officer.
- 17 (6) The person has the right to call an attorney and select a witness to
18 view for him or her the testing procedures, but the testing may not
19 be delayed for these purposes longer than 30 minutes from the
20 time when the person is notified of his or her rights.
- 21 If the charging officer or an arresting officer is authorized to administer a chemical
22 analysis of a person's breath, the charging officer or the arresting officer may give the
23 person charged the oral and written notice of rights required by this subsection. This
24 authority applies regardless of the type of chemical analysis designated.
- 25 (a1) Meaning of Terms. -- Under this section, an "implied-consent offense" is an
26 offense involving impaired driving or an alcohol-related offense made subject to the
27 procedures of this section. A person is "charged" with an offense if the person is
28 arrested for it or if criminal process for the offense has been issued. A "charging
29 officer" is a law-enforcement officer who arrests the person charged, lodges the
30 charge, or assists the officer who arrested the person or lodged the charge by
31 assuming custody of the person to make the request required by subsection (c) and, if
32 necessary, to present the person to a judicial official for an initial appearance.
- 33 (b) Unconscious Person May Be Tested. -- If a charging officer has reasonable
34 grounds to believe that a person has committed an implied-consent offense, and the
35 person is unconscious or otherwise in a condition that makes the person incapable of
36 refusal, the charging officer may direct the taking of a blood sample by a person
37 qualified under G.S. 20-139.1 or may direct the administration of any other chemical
38 analysis that may be effectively performed. In this instance the notification of rights
39 set out in subsection (a) and the request required by subsection (c) are not necessary.
- 40 (c) Request to Submit to Chemical ~~Analysis, Procedure upon Refusal.~~ Analysis. --
41 The charging officer, in the presence of the chemical analyst who has notified the
42 person of his or her rights under subsection (a), must request the person charged to
43 submit to the type of chemical analysis designated. If the person charged willfully
44 refuses to submit to that chemical analysis, none may be given under the provisions

1 of this section, but the refusal does not preclude testing under other applicable
2 procedures of law. ~~If the person refuses to submit to the chemical analysis, the~~
3 ~~charging officer and the chemical analyst must without unnecessary delay go before~~
4 ~~an official authorized to administer oaths and execute an affidavit stating that the~~
5 ~~person charged, after being advised of his or her rights under subsection (a), willfully~~
6 ~~refused to submit to a chemical analysis at the request of the charging officer. The~~
7 ~~charging officer must immediately mail the affidavit to the Division. If the person's~~
8 ~~refusal to submit to a chemical analysis occurs in a case involving death or critical~~
9 ~~injury to another person, the charging officer must include that fact in the affidavit~~
10 ~~mailed to the Division. If the charging officer is also the chemical analyst who has~~
11 ~~notified the person of his or her rights under subsection (a), the charging officer may~~
12 ~~perform alone the duties of this subsection.~~

13 (c1) Procedure for Reporting Results and Refusal to Division. -- Whenever a
14 person refuses to submit to a chemical analysis or a person's drivers license has an
15 alcohol concentration restriction and the results of the chemical analysis establish a
16 violation of the restriction, the charging officer and the chemical analyst must without
17 unnecessary delay go before an official authorized to administer oaths and execute an
18 affidavit(s) stating that:

- 19 (1) The person was charged with an implied-consent offense or had an
20 alcohol concentration restriction on the drivers license;
21 (2) The charging officer had reasonable grounds to believe that the
22 person had committed an implied-consent offense or violated the
23 alcohol concentration restriction on the drivers license;
24 (3) Whether the implied-consent offense charged involved death or
25 critical injury to another person, if the person willfully refused to
26 submit to chemical analysis;
27 (4) The person was notified of the rights in subsection (a); and
28 (5) The results of any tests given or that the person willfully refused to
29 submit to a chemical analysis upon the request of the charging
30 officer.

31 The charging officer must immediately mail the affidavit(s) to the Division. If the
32 charging officer is also the chemical analyst who has notified the person of the rights
33 under subsection (a), the charging officer may perform alone the duties of this
34 subsection. The affidavit(s) under this subsection is not required if the Division is
35 notified of the information specified in this subsection through approved electronic
36 means.

37 (d) Consequences of Refusal; Right to Hearing before Division; Issues. -- Upon
38 receipt of a properly executed affidavit required by subsection (c), affidavit(s) or
39 information transmitted by electronic means as required in subsection (c1), the
40 Division must expeditiously notify the person charged that the person's license to
41 drive is revoked for 12 months, effective on the tenth calendar day after the mailing
42 of the revocation order unless, before the effective date of the order, the person
43 requests in writing a hearing before the Division. Except for the time referred to in
44 G.S. 20-16.5, if the person shows to the satisfaction of the Division that his or her

1 license was surrendered to the court, and remained in the court's possession, then the
2 Division shall credit the amount of time for which the license was in the possession of
3 the court against the 12-month revocation period required by this subsection. If the
4 person properly requests a hearing, the person retains his or her license, unless it is
5 revoked under some other provision of law, until the hearing is held, the person
6 withdraws the request, or the person fails to appear at a scheduled hearing. The
7 hearing officer may subpoena any witnesses or documents that the hearing officer
8 deems necessary. The person may request the hearing officer to subpoena the
9 charging officer, the chemical analyst, or both to appear at the hearing if the person
10 makes the request in writing at least three days before the hearing. The person may
11 subpoena any other witness whom the person deems necessary, and the provisions of
12 G.S. 1A-1, Rule 45, apply to the issuance and service of all subpoenas issued under
13 the authority of this section. The hearing officer is authorized to administer oaths to
14 witnesses appearing at the hearing. The hearing must be conducted in the county
15 where the charge was brought, and must be limited to consideration of whether:

- 16 (1) The person was charged with an implied-consent ~~offense~~; offense
17 or the driver had an alcohol concentration restriction on the
18 drivers license pursuant to G.S. 20-19;
- 19 (2) The charging officer had reasonable grounds to believe that the
20 person had committed an implied-consent ~~offense~~; offense or
21 violated the alcohol concentration restriction on the drivers license;
- 22 (3) The implied-consent offense charged involved death or critical
23 injury to another person, if this allegation is in the affidavit;
- 24 (4) The person was notified of ~~his or her~~ the person's rights as
25 required by subsection (a); and
- 26 (5) The person willfully refused to submit to a chemical analysis upon
27 the request of the charging officer.

28 If the Division finds that the conditions specified in this subsection are met, it must
29 order the revocation sustained. If the Division finds that any of the conditions (1), (2),
30 (4), or (5) is not met, it must rescind the revocation. If it finds that condition (3) is
31 alleged in the affidavit but is not met, it must order the revocation sustained if that is
32 the only condition that is not met; in this instance subsection (d1) does not apply to
33 that revocation. If the revocation is sustained, the person must surrender his or her
34 license immediately upon notification by the Division.

35 (d1) Consequences of Refusal in Case Involving Death or Critical Injury. -- If the
36 refusal occurred in a case involving death or critical injury to another person, no
37 limited driving privilege may be issued. The 12-month revocation begins only after all
38 other periods of revocation have terminated unless the person's license is revoked
39 under G.S. 20-28, 20-28.1, 20-19(d), or 20-19(e). If the revocation is based on those
40 sections, the revocation under this subsection begins at the time and in the manner
41 specified in subsection (d) for revocations under this section. However, the person's
42 eligibility for a hearing to determine if the revocation under those sections should be
43 rescinded is postponed for one year from the date on which the person would
44 otherwise have been eligible for such a hearing. If the person's driver's license is

1 again revoked while the 12-month revocation under this subsection is in effect, that
2 revocation, whether imposed by a court or by the Division, may only take effect after
3 the period of revocation under this subsection has terminated.

4 (e) Right to Hearing in Superior Court. -- If the revocation for a willful refusal is
5 sustained after the hearing, the person whose license has been revoked has the right
6 to file a petition in the superior court for a hearing de novo upon the issues listed in
7 subsection (d), in the same manner and under the same conditions as provided in
8 G.S. 20-25 except that the de novo hearing is conducted in the superior court district
9 or set of districts as defined in G.S. 7A-41.1 where the charge was made.

10 (e1) Limited Driving Privilege after Six Months in Certain Instances. -- A person
11 whose driver's license has been revoked under this section may apply for and a judge
12 authorized to do so by this subsection may issue a limited driving privilege if:

- 13 (1) At the time of the refusal the person held either a valid drivers
14 license or a license that had been expired for less than one year;
- 15 (2) At the time of the refusal, the person had not within the preceding
16 seven years been convicted of an offense involving impaired
17 driving;
- 18 (3) At the time of the refusal, the person had not in the preceding
19 seven years willfully refused to submit to a chemical analysis under
20 this section;
- 21 (4) The implied-consent offense charged did not involve death or
22 critical injury to another person;
- 23 (5) The underlying charge for which the defendant was requested to
24 submit to a chemical analysis has been finally disposed of:
 - 25 a. Other than by conviction; or
 - 26 b. By a conviction of impaired driving under G.S. 20-138.1, at
27 a punishment level authorizing issuance of a limited driving
28 privilege under G.S. 20-179.3(b), and the defendant has
29 complied with at least one of the mandatory conditions of
30 probation listed for the punishment level under which the
31 defendant was sentenced;
- 32 (6) Subsequent to the refusal the person has had no unresolved
33 pending charges for or additional convictions of an offense
34 involving impaired driving;
- 35 (7) The person's license has been revoked for at least six months for
36 the refusal; and
- 37 (8) The person has obtained a substance abuse assessment from a
38 mental health facility and successfully completed any
39 recommended training or treatment program.

40 Except as modified in this subsection, the provisions of G.S. 20-179.3 relating to the
41 procedure for application and conduct of the hearing and the restrictions required or
42 authorized to be included in the limited driving privilege apply to applications under
43 this subsection. If the case was finally disposed of in the district court, the hearing
44 shall be conducted in the district court district as defined in G.S. 7A-133 in which the

1 refusal occurred by a district court judge. If the case was finally disposed of in the
2 superior court, the hearing shall be conducted in the superior court district or set of
3 districts as defined in G.S. 7A-41.1 in which the refusal occurred by a superior court
4 judge. A limited driving privilege issued under this section authorizes a person to
5 drive if the person's license is revoked solely under this section or solely under this
6 section and G.S. 20-17(2). If the person's license is revoked for any other reason, the
7 limited driving privilege is invalid.

8 (f) Notice to Other States as to Nonresidents. -- When it has been finally
9 determined under the procedures of this section that a nonresident's privilege to
10 drive a motor vehicle in this State has been revoked, the Division must give
11 information in writing of the action taken to the motor vehicle administrator of the
12 state of the person's residence and of any state in which the person has a license.

13 (g) Repealed by Session Laws 1973, c. 914.

14 (h) Repealed by Session Laws 1979, c. 423, s. 2.

15 (i) Right to Chemical Analysis before Arrest or Charge. -- A person stopped or
16 questioned by a law-enforcement officer who is investigating whether the person may
17 have committed an implied-consent offense may request the administration of a
18 chemical analysis before any arrest or other charge is made for the offense. Upon this
19 request, the officer shall afford the person the opportunity to have a chemical analysis
20 of his or her breath, if available, in accordance with the procedures required by G.S.
21 20-139.1(b). The request constitutes the person's consent to be transported by the
22 law-enforcement officer to the place where the chemical analysis is to be
23 administered. Before the chemical analysis is made, the person shall confirm the
24 request in writing and shall be notified:

- 25 (1) That the test results will be admissible in evidence and may be
26 used against the person in any implied-consent offense that may
27 arise;
- 28 (2) That the person's license will be revoked for at least 30 days if:
29 a. The test reveals an alcohol concentration of 0.08 or more; or
30 b. The person was driving a commercial motor vehicle and the
31 test results reveal an alcohol concentration of 0.04 or more.
- 32 (3) That if the person fails to comply fully with the test procedures,
33 the officer may charge the person with any offense for which the
34 officer has probable cause, and if the person is charged with an
35 implied-consent offense, the person's refusal to submit to the
36 testing required as a result of that charge would result in
37 revocation of the person's driver's license. The results of the
38 chemical analysis are admissible in evidence in any proceeding in
39 which they are relevant."

40 Section 2. G.S. 20-19 reads as rewritten:

41 "**§ 20-19. Period of suspension or ~~revocation~~; revocation; conditions of restoration.**

42 (a) When a license is suspended under subdivision (8) or (9) of G.S. 20-16(a), the
43 period of suspension shall be in the discretion of the Division and for such time as it
44 deems best for public safety but shall not exceed six months.

1 (b) When a license is suspended under subdivision (10) of G.S. 20-16(a), the
2 period of suspension shall be in the discretion of the Division and for such time as it
3 deems best for public safety but shall not exceed a period of 12 months.

4 (c) When a license is suspended under any other provision of this Article which
5 does not specifically provide a period of suspension, the period of suspension shall be
6 not more than one year.

7 (c1) When a license is revoked under subdivision (2) of G.S. 20-17, and the
8 period of revocation is not determined by subsection (d) or (e) of this section, the
9 period of revocation is one year.

10 (c2) When a license is suspended under G.S. 20-17(a)(14), the period of
11 revocation for a first conviction shall be for 10 days. For a second or subsequent
12 conviction as defined in G.S. 20-138.2B(d), the period of revocation shall be one
13 year.

14 (c3) Restriction; Revocations. -- When the Division restores a person's drivers
15 license which was revoked pursuant to G.S. 20-13.2 (a), G.S. 20-23 when the offense
16 involved impaired driving, G.S. 20-23.2, subdivision (2) of G.S. 20-17(a), subdivision
17 (1) or (9) of G.S. 20-17(a) when the offense involved impaired driving, or this
18 subsection, in addition to any other restriction or condition, it shall place the
19 applicable restriction on the person's drivers license as follows:

20 (1) For the first restoration of a drivers license for a person convicted
21 of driving while impaired, G.S. 20-138.1, or a drivers license
22 revoked pursuant to G.S. 20-23 or G.S. 20-23.2 when the offense
23 for which the person's license was revoked prohibits substantially
24 similar conduct which if committed in this State would result in a
25 conviction of driving while impaired under G.S. 20-138.1, that the
26 person not operate a vehicle with an alcohol concentration of 0.04
27 or more at any relevant time after the driving;

28 (2) For the second or subsequent restoration of a drivers license for a
29 person convicted of driving while impaired, G.S. 20-138.1, or a
30 drivers license revoked pursuant to G.S. 20-23 or G.S. 20-23.2
31 when the offense for which the person's license was revoked
32 prohibits substantially similar conduct which if committed in this
33 State would result in a conviction of driving while impaired under
34 G.S. 20-138.1, that the person not operate a vehicle with an
35 alcohol concentration greater than 0.00 at any relevant time after
36 the driving;

37 (3) For any restoration of a drivers license for a person convicted of
38 driving while impaired in a commercial motor vehicle, G.S. 20-
39 138.2, driving while less than 21 years old after consuming alcohol
40 or drugs, G.S. 20-138.3, felony death by vehicle, G.S. 20-141.4(a1),
41 manslaughter or negligent homicide resulting from the operation of
42 a motor vehicle when the offense involved impaired driving, or a
43 revocation under this subsection, that the person not operate a

1 vehicle with an alcohol concentration of 0.00 or more at any
2 relevant time after the driving:

- 3 (4) For any restoration of a drivers license revoked pursuant to G.S.
4 20-23 or G.S. 20-23.2 when the offense for which the person's
5 license was revoked prohibits substantially similar conduct which if
6 committed in this State would result in a conviction of driving
7 while impaired in a commercial motor vehicle, G.S. 20-138.2,
8 driving while less than 21 years old after consuming alcohol or
9 drugs, G.S. 20-138.3, felony death by vehicle, G.S. 20-141.4(a1), or
10 manslaughter or negligent homicide resulting from the operation of
11 a motor vehicle when the offense involved impaired driving, that
12 the person not operate a vehicle with an alcohol concentration of
13 0.00 or more at any relevant time after the driving.

14 In addition, the person seeking restoration of a license must agree to submit to a
15 chemical analysis in accordance with G.S. 20-16.2 at the request of a law enforcement
16 officer who has reasonable grounds to believe the person is operating a motor vehicle
17 on a highway in violation of the restriction specified in this subsection. The person
18 must also agree that, when requested by a law enforcement officer, the person will
19 agree to be transported by the law enforcement officer to the place where chemical
20 analysis is to be administered.

21 The restrictions placed on a license under this subsection shall be in effect (i)
22 seven years from the date of restoration if the person's license was permanently
23 revoked, (ii) until the person's twenty-first birthday if the revocation was for a
24 conviction under G.S. 20-138.3, and (iii) three years in all other cases.

25 On the basis of information reported pursuant to G.S. 20-16.2, the Division shall
26 revoke the drivers license of any person who violates a condition of reinstatement
27 imposed under this subsection. An alcohol concentration report from an ignition
28 interlock system shall not be used as the basis for revocation under this subsection. A
29 violation of a restriction imposed under this subsection or the willful refusal to submit
30 to a chemical analysis shall result in a one-year revocation. If the period of
31 revocation was imposed pursuant to subsection (d) or (e), any remaining period of
32 the original revocation, prior to its reduction, shall be reinstated and the one-year
33 revocation begins after all other periods of revocation have terminated.

34 (c4) Applicable Procedures. -- When a person has violated a condition of
35 restoration by refusing a chemical analysis, the notice and hearing procedures of G.S.
36 20-16.2 apply. When a person has submitted to a chemical analysis and the results
37 show a violation of the alcohol concentration restriction, the notification and hearing
38 procedures of this section apply.

39 (c5) Right to Hearing before Division: Issues. -- Upon receipt of a properly
40 executed affidavit required by G.S. 20-16.2(c1), the Division must expeditiously notify
41 the person charged that the person's license to drive is revoked for the period of time
42 specified in this section, effective on the tenth calendar day after the mailing of the
43 revocation order unless, before the effective date of the order, the person requests in
44 writing a hearing before the Division. Except for the time referred to in G.S. 20-16.5,

1 if the person shows to the satisfaction of the Division that the person's license was
2 surrendered to the court and remained in the court's possession, then the Division
3 shall credit the amount of time for which the license was in the possession of the
4 court against the revocation period required by this section. If the person properly
5 requests a hearing, the person retains the person's license, unless it is revoked under
6 some other provision of law, until the hearing is held, the person withdraws the
7 request, or the person fails to appear at a scheduled hearing. The hearing officer may
8 subpoena any witnesses or documents that the hearing officer deems necessary. The
9 person may request the hearing officer to subpoena the charging officer, the chemical
10 analyst, or both to appear at the hearing if the person makes the request in writing at
11 least three days before the hearing. The person may subpoena any other witness
12 whom the person deems necessary, and the provision of G.S. 1A-1, Rule 45, apply to
13 the issuance and service of all subpoenas issued under the authority of this section.
14 The hearing officer is authorized to administer oaths to witnesses appearing at the
15 hearing. The hearing must be conducted in the county where the charge was
16 brought, and must be limited to consideration of whether:

- 17 (1) The charging officer had reasonable grounds to believe that the
18 person had violated the alcohol concentration restriction;
- 19 (2) The person was notified of the person's rights as required by G.S.
20 20-16.2(a);
- 21 (3) The drivers license of the person had an alcohol concentration
22 restriction; and
- 23 (4) The person submitted to a chemical analysis upon the request of
24 the charging officer, and the analysis revealed an alcohol
25 concentration in excess of the restriction on the person's drivers
26 license.

27 If the Division finds that the conditions specified in this subsection are met, it must
28 order the revocation sustained. If the Division finds that any of the conditions (1),
29 (2), (3), or (4) is not met, it must rescind the revocation. If the revocation is
30 sustained, the person must surrender the person's license immediately upon
31 notification by the Division.

32 (c6) Appeal to Court. -- There is no right to appeal the decision of the Division.
33 However, if the person properly requested a hearing before the Division under
34 subsection (c5) and the Division held such a hearing, the person may within 30 days
35 of the date the Division's decision is mailed to the person, petition the Superior
36 Court of the county in which the hearing took place for discretionary review on the
37 record of the revocation. The Superior Court may stay the imposition of the
38 revocation only if the Court finds that the person is likely to succeed on the merits of
39 the case and will suffer irreparable harm if such a stay is not granted. The stay shall
40 not exceed 30 days. The reviewing court shall review the record only and shall be
41 limited to determining if the Division hearing officer followed proper procedures and
42 if the hearing officer made sufficient findings of fact to support the revocation. There
43 shall be no further appeal.

1 (d) When a person's license is revoked under subdivision (2) of G.S. 20-17 and
2 the person has another offense involving impaired driving for which he has been
3 convicted, which offense occurred within three years immediately preceding the date
4 of the offense for which his license is being revoked, the period of revocation is four
5 years, and this period may be reduced only as provided in this section. The Division
6 may conditionally restore the person's license after it has been revoked for at least
7 two years under this subsection if he provides the Division with satisfactory proof
8 that:

9 (1) He has not in the period of revocation been convicted in North
10 Carolina or any other state or federal jurisdiction of a motor
11 vehicle offense, an alcoholic beverage control law offense, a drug
12 law offense, or any other criminal offense involving the possession
13 or consumption of alcohol or drugs; and

14 (2) He is not currently an excessive user of alcohol or drugs.

15 If the Division restores the person's license, it may place reasonable conditions or
16 restrictions on the person for the duration of the original revocation period.

17 (e) When a person's license is revoked under subdivision (2) of G.S. 20-17 and
18 the person has two or more previous offenses involving impaired driving for which he
19 has been convicted, and the most recent offense occurred within the five years
20 immediately preceding the date of the offense for which his license is being revoked,
21 the revocation is permanent. The Division may, however, conditionally restore the
22 person's license after it has been revoked for at least three years under this subsection
23 if he provides the Division with satisfactory proof that:

24 (1) In the three years immediately preceding the person's application
25 for a restored license, he has not been convicted in North Carolina
26 or in any other state or federal court of a motor vehicle offense, an
27 alcohol beverage control law offense, a drug law offense, or any
28 criminal offense involving the consumption of alcohol or drugs;
29 and

30 (2) He is not currently an excessive user of alcohol or drugs.

31 If the Division restores the person's license, it may place reasonable conditions or
32 restrictions on the person for any period up to three years from the date of
33 restoration.

34 (f) When a license is revoked under any other provision of this Article which does
35 not specifically provide a period of revocation, the period of revocation shall be one
36 year.

37 (g) When a license is suspended under subdivision (11) of G.S. 20-16(a), the
38 period of suspension shall be for a period of time not in excess of the period of
39 nonoperation imposed by the court as a condition of the suspended sentence; further,
40 in such case, it shall not be necessary to comply with the Motor Vehicle Safety and
41 Financial Responsibility Act in order to have such license returned at the expiration
42 of the suspension period.

1 (g1) When a license is revoked under subdivision (12) of G.S. 20-17, the period of
2 revocation is six months for conviction of a second offense and one year for
3 conviction of a third or subsequent offense.

4 (h) Repealed by Session Laws 1983, c. 435, s. 17.

5 (i) When a person's license is revoked under subdivision (1) or (9) of G.S. 20-17
6 and the offense is one involving impaired driving, the revocation is permanent. The
7 Division may, however, conditionally restore the person's license after it has been
8 revoked for at least three years in accordance with the procedure in subsection (e) of
9 this section.

10 (j) The Division is authorized to issue amended revocation orders issued under
11 subsections (d) and (e), if necessary because convictions do not respectively occur in
12 the same order as offenses for which the license may be revoked under those
13 subsections.

14 (k) Before the Division restores a driver's license that has been suspended or
15 revoked under any provision of this Article, other than G.S. 20-24.1, the person
16 seeking to have his driver's license restored shall submit to the Division proof that he
17 has notified his insurance agent or company of his seeking the restoration and that he
18 is financially responsible. Proof of financial responsibility shall be in one of the
19 following forms:

20 (1) A written certificate or electronically-transmitted facsimile thereof
21 from any insurance carrier duly authorized to do business in this
22 State certifying that there is in effect a nonfleet private passenger
23 motor vehicle liability policy for the benefit of the person required
24 to furnish proof of financial responsibility. The certificate or
25 facsimile shall state the effective date and expiration date of the
26 nonfleet private passenger motor vehicle liability policy and shall
27 state the date that the certificate or facsimile is issued. The
28 certificate or facsimile shall remain effective proof of financial
29 responsibility for a period of 30 consecutive days following the
30 date the certificate or facsimile is issued but shall not in and of
31 itself constitute a binder or policy of insurance or

32 (2) A binder for or policy of nonfleet private passenger motor vehicle
33 liability insurance under which the applicant is insured, provided
34 that the binder or policy states the effective date and expiration
35 date of the nonfleet private passenger motor vehicle liability policy.

36 The preceding provisions of this subsection do not apply to applicants who do not
37 own currently registered motor vehicles and who do not operate nonfleet private
38 passenger motor vehicles that are owned by other persons and that are not insured
39 under commercial motor vehicle liability insurance policies. In such cases, the
40 applicant shall sign a written certificate to that effect. Such certificate shall be
41 furnished by the Division and may be incorporated into the restoration application
42 form. Any material misrepresentation made by such person on such certificate shall
43 be grounds for suspension of that person's license for a period of 90 days.

1 For the purposes of this subsection, the term "nonfleet private passenger motor
2 vehicle" has the definition ascribed to it in Article 40 of General Statute Chapter 58.

3 The Commissioner may require that certificates required by this subsection be on a
4 form approved by the Commissioner. The financial responsibility required by this
5 subsection shall be kept in effect for not less than three years after the date that the
6 license is restored. Failure to maintain financial responsibility as required by this
7 subsection shall be grounds for suspending the restored driver's license for a period
8 of thirty (30) days. Nothing in this subsection precludes any person from showing
9 proof of financial responsibility in any other manner authorized by Articles 9A and
10 13 of this Chapter."

11
12 PART II. IGNITION INTERLOCK

13 Section 3. Article 2 of Chapter 20 of the General Statutes is amended by
14 adding a new section to read:

15 "§ 20-17.7. Restoration of a license after certain driving while impaired convictions;
16 ignition interlock.

17 (a) Scope. -- This section applies to a person whose license was revoked as a
18 result of a conviction of driving while impaired, G.S. 20-138.1, and:

19 (1) The person had an alcohol concentration of 0.16 or more; or

20 (2) The person has been convicted of another offense involving
21 impaired driving, which offense occurred within seven years
22 immediately preceding the date of the offense for which the
23 person's license has been revoked.

24 (b) Ignition Interlock Required. -- When the Division restores the license of a
25 person who is subject to this section, in addition to any other restriction or condition,
26 it shall require the person to agree to and shall indicate on the person's drivers
27 license the following restrictions for the period designated in subsection (c):

28 (1) A restriction that the person may operate only a vehicle that is
29 equipped with a functioning ignition interlock system of a type
30 approved by the Commissioner. The Commissioner shall not
31 unreasonably withhold approval of an ignition interlock system and
32 shall consult with the Division of Purchase and Contract in the
33 Department of Administration to ensure that potential vendors are
34 not discriminated against.

35 (2) A requirement that the person personally activate the ignition
36 interlock system before driving the motor vehicle.

37 (3) A requirement that the person not drive with an alcohol
38 concentration of 0.01 or greater.

39 (c) Length of Requirement. -- The requirements of subsection (b) shall remain in
40 effect for:

41 (1) One year from the date of restoration if the original revocation
42 period was one year;

43 (2) Three years from the date of restoration if the original revocation
44 period was four years; or

1 (3) Seven years from the date of restoration if the original revocation
2 was a permanent revocation.

3 (d) Effect of Limited Driving Privileges. -- If the person was eligible for and
4 received a limited driving privilege under G.S. 20-179.3, with the ignition interlock
5 requirement contained in G.S. 20-179.3(g5), the period of time for which that limited
6 driving privilege was held shall be applied towards the requirements of subsection(c).

7 (e) Notice of Requirement. -- When a court reports to the Division a conviction of
8 a person who is subject to this section, the Division must send the person written
9 notice of the requirements of this section and of the consequences of failing to
10 comply with these requirements. The notification must include a statement that the
11 person may contact the Division for information on obtaining and having installed an
12 ignition interlock system of a type approved by the Commissioner.

13 (f) Effect of Violation of Restriction. -- A person subject to this section who
14 violates any of the restrictions of this section commits the offense of driving while
15 license revoked under G.S. 20-28(a) and is subject to punishment and license
16 revocation as provided in that section. If a law enforcement officer has reasonable
17 grounds to believe that a person subject to this section has consumed alcohol while
18 driving or has driven while he has remaining in his body any alcohol previously
19 consumed, the suspected offense of driving while license is revoked is an alcohol-
20 related offense subject to the implied-consent provisions of G.S. 20-16.2. If a person
21 subject to this section is charged with driving while license revoked by violating a
22 condition of subsection (b) of this section, and a judicial official determines that there
23 is probable cause for the charge, the person's license is suspended pending the
24 resolution of the case, and the judicial official must require the person to surrender
25 the license. The judicial official must also notify the person that he is not entitled to
26 drive until his case is resolved. An alcohol concentration report from the ignition
27 interlock system shall not be admissible as evidence of driving while license revoked,
28 but may be used in an administrative revocation proceeding as provided in subsection
29 (g) of this section.

30 (g) Effect of Violation of Restriction When Driving While License Revoked not
31 Charged. -- A person subject to this section who violates any of the restrictions of this
32 section, but is not charged or convicted of driving while license revoked pursuant to
33 G.S. 20-28(a), shall have the person's license revoked by the Division for a period of
34 one year. An alcohol concentration report from the ignition interlock system
35 indicating an alcohol concentration of 0.01 or greater is sufficient evidence for
36 revocation under this subsection.

37 (h) Beginning of Revocation Period. -- If the original period of revocation was
38 imposed pursuant to G.S. 20-19(d) or (e), any remaining period of the original
39 revocation, prior to its reduction, shall be reinstated and the revocation required by
40 subsection (f) or (g) of this section begins after all other periods of revocation have
41 terminated.

42 (i) Notification of Revocation. -- If the person's license has not already been
43 surrendered to the court, the Division must expeditiously notify the person that the

1 person's license to drive is revoked pursuant to subsection (f) or (g) of this section
2 effective on the tenth calendar day after the mailing of the revocation order.

3 (j) Right to Hearing Before Division; Issues. -- If the person's license is revoked
4 pursuant to subsection (g) of this section, before the effective date of the order issued
5 under subsection (i) of this section, the person may request in writing a hearing
6 before the Division. Except for the time referred to in G.S. 20-16.5, if the person
7 shows to the satisfaction of the Division that the person's license was surrendered to
8 the court and remained in the court's possession, then the Division shall credit the
9 amount of time for which the license was in the possession of the court against the
10 revocation period required by subsection (g) of this section. If the person properly
11 requests a hearing, the person retains the person's license, unless it is revoked under
12 some other provision of law, until the hearing is held, the person withdraws the
13 request, or the person fails to appear at a scheduled hearing. The hearing officer may
14 subpoena any witnesses or documents that the hearing officer deems necessary. The
15 person may request the hearing officer to subpoena the charging officer, the chemical
16 analyst, or both to appear at the hearing if the person makes the request in writing at
17 least three days before the hearing. The person may subpoena any other witness
18 whom the person deems necessary, and the provision of G.S. 1A-1, Rule 45, apply to
19 the issuance and service of all subpoenas issued under the authority of this section.
20 The hearing officer is authorized to administer oaths to witnesses appearing at the
21 hearing. The hearing must be conducted in the county where the charge was
22 brought, and must be limited to consideration of whether:

23 (1) The drivers license of the person had an ignition interlock
24 requirement; and

25 (2) The person:

- 26 a. Was driving a vehicle that was not equipped with a
27 functioning ignition interlock system; or
28 b. Did not personally activate the ignition interlock system
29 before driving the vehicle; or
30 c. Drove the vehicle with an alcohol concentration of 0.01 or
31 greater.

32 If the Division finds that the conditions specified in this subsection are met, it must
33 order the revocation sustained. If the Division finds that the condition of subdivision
34 (1) is not met, or that none of the conditions of subdivision (2) are met, it must
35 rescind the revocation. If the revocation is sustained, the person must surrender the
36 person's license immediately upon notification by the Division. If the revocation is
37 sustained, the person may appeal the decision of the Division pursuant to G.S. 20-25.

38 (k) Restoration After Violation. -- When the Division restores the license of a
39 person whose license was revoked pursuant to subsection (f) or (g) of this section
40 prior to completion of time period required by subsection (c) of this section, in
41 addition to any other restriction or condition, it shall require the person to comply
42 with the conditions of subsection (b) of this section until the person has complied
43 with those conditions for the cumulative period of time as set forth in subsection (c)
44 of this section. The period of time for which the person successfully complied with

1 subsection (b) of this section prior to revocation pursuant to subsection (f) or (g) of
2 this section shall be applied towards the requirements of subsection (c) of this
3 section."

4 Section 4. G.S. 20-179.3 is amended by adding a new subsection to read:
5 "(g5) Ignition Interlock Required. -- If a person's drivers license is revoked for a
6 conviction of G.S. 20-138.1, and the person had an alcohol concentration of 0.16 or
7 more, a judge shall include all of the following in a limited driving privilege order:

- 8 (1) A restriction that the applicant may operate only a designated
9 motor vehicle.
10 (2) A requirement that the designated motor vehicle be equipped with
11 a functioning ignition interlock system of a type approved by the
12 Commissioner. The Commissioner shall not unreasonably withhold
13 approval of an ignition interlock system and shall consult with the
14 Division of Purchase and Contract in the Department of
15 Administration to ensure that potential vendors are not
16 discriminated against.
17 (3) A requirement that the applicant personally activate the ignition
18 interlock system before driving the motor vehicle."

19 Section 5. G.S. 20-179.3(g4) reads as rewritten:

20 "(g4) The restrictions set forth in subsection (g3) and (g5) of this section do not
21 apply to a motor vehicle that meets all of the following requirements:

- 22 (1) Is owned by the applicant's employer.
23 (2) Is operated by the applicant solely for work-related purposes.
24 (3) Its owner has filed with the court a written document authorizing
25 the applicant to drive the vehicle, for work-related purposes, under
26 the authority of a limited driving privilege."
27

28 PART III. OPEN CONTAINER

29 Section 6. G.S. 18B-401 reads as rewritten:

30 "§ 18B-401. Manner of transportation.

31 (a) Opened Containers. -- It shall be unlawful for a person to transport fortified
32 wine or spirituous liquor in the passenger area of a motor vehicle in other than the
33 manufacturer's unopened original container. ~~It shall be unlawful for a person who is~~
34 ~~driving a motor vehicle on a highway or public vehicular area to consume in the~~
35 ~~passenger area of that vehicle any malt beverage or unfortified wine.~~ Violation of
36 this subsection shall constitute a Class 3 misdemeanor.

37 (a1) Transportation of an open container of malt beverage or unfortified wine
38 shall be governed by G.S. 20-138.7.

39 (b) Taxis. -- It shall be unlawful for a person operating a for-hire passenger
40 vehicle as defined in G.S. 20-4.01(27)b, to transport fortified wine or spirituous liquor
41 unless the vehicle is transporting a paying passenger who owns the alcoholic beverage
42 being transported. Not more than eight liters of fortified wine or spirituous liquor, or
43 combination of the two, may be transported by each passenger. A violation of this

1 subsection shall not be grounds for suspension of the driver's license for illegal
2 transportation of intoxicating liquors under G.S. 20-16(a)(8).

3 (c) Definitions. -- The definitions in Chapter 20 of the General Statutes apply in
4 interpreting this section. If the seal on a container of alcoholic beverages has been
5 broken, it is opened within the meaning of this section. For purposes of this section,
6 "passenger area of a motor vehicle" means the area designed to seat the driver and
7 passengers and any area within the reach of a seated driver or passenger, including
8 the glove compartment. In the case of a station wagon, hatchback or similar vehicle,
9 the area behind the last upright back seat shall not be considered part of the
10 passenger area."

11 Section 7. G.S. 20-138.7 reads as rewritten:

12 "**§ 20-138.7. Transporting an open container of alcoholic beverage after consuming**
13 **alcohol. beverage.**

14 (a) Offense. -- No person shall drive a motor vehicle on a highway or public
15 vehicular area:

16 (1) While there is an alcoholic beverage other than in the unopened
17 manufacturer's original container in the passenger area; and

18 (2) While the driver is consuming alcohol or while alcohol remains in
19 the driver's body.

20 (a1) Offense. -- No person shall drive a motor vehicle on a highway or public
21 vehicular area while there is an alcoholic beverage other than in the unopened
22 manufacturer's original container in the passenger area.

23 (a2) Exception. -- If the driver is not consuming alcohol and has no alcohol
24 remaining in the driver's body, it shall not be a violation of subsection (a1) for the
25 driver to drive the motor vehicle on a highway or public vehicular area while there is
26 an alcoholic beverage other than in the unopened manufacturer's original container if
27 the container is:

28 (1) In the passenger area of a motor vehicle designed, maintained, or
29 used primarily for the transportation of persons for compensation;
30 or

31 (2) In the living quarters of a house trailer, motor home, or house car.

32 (b) Subject to Implied-Consent Law. -- An offense under this section is an
33 alcohol-related offense subject to the implied-consent provisions of G.S. 20-16.2.

34 (c) Odor Insufficient. -- The odor of an alcoholic beverage on the breath of the
35 driver is insufficient evidence to prove beyond a reasonable doubt that alcohol was
36 remaining in the driver's body in violation of this section, unless the driver was
37 offered an alcohol screening test or chemical analysis and refused to provide all
38 required samples of breath or blood for analysis.

39 (d) Alcohol Screening Test. -- Notwithstanding any other provision of law, an
40 alcohol screening test may be administered to a driver suspected of violating
41 subsection (a) of this section, and the results of an alcohol screening test or the
42 driver's refusal to submit may be used by a law enforcement officer, a court, or an
43 administrative agency in determining if alcohol was present in the driver's body. No
44 alcohol screening tests are valid under this section unless the device used is one

1 approved by the Commission for Health Services, and the screening test is conducted
2 in accordance with the applicable regulations of the Commission as to the manner of
3 its use.

4 (e) Punishment; Effect When Impaired Driving Offense Also Charged. -- Violation
5 of ~~this section subsection (a)~~ shall be ~~punished as~~ a Class 3 misdemeanor for the first
6 offense and shall be ~~punished as~~ a Class 2 misdemeanor for a second or subsequent
7 offense. ~~A fine imposed for a second or subsequent offense may not exceed one~~
8 ~~thousand dollars (\$1,000).~~ Violation of ~~this section subsection (a)~~ is not a lesser
9 included offense of impaired driving under G.S. 20-138.1, but if a person is convicted
10 under ~~this section subsection (a)~~ and of an offense involving impaired driving arising
11 out of the same transaction, the punishment imposed by the court shall not exceed
12 the maximum applicable to the offense involving impaired driving, and any minimum
13 applicable punishment shall be imposed. Violation of subsection (a1) is a lesser
14 included offense of subsection (a). A violation of ~~this section subsection (a)~~ shall be
15 considered a moving violation for purposes of G.S. 20-16(c).

16 Violation of subsection (a1) shall be an infraction and shall not be considered a
17 moving violation for purposes of G.S. 20-16(c).

18 (f) Definitions. -- If the seal on a container of alcoholic beverages has been
19 broken, it is opened within the meaning of this section. For purposes of this section,
20 "passenger area of a motor vehicle" means the area designed to seat the driver and
21 passengers and any area within the reach of a seated driver or passenger, including
22 the glove compartment. The area of the trunk or the area behind the last upright
23 back seat of a station wagon, hatchback, or similar vehicle shall not be considered
24 part of the passenger area. The term "alcoholic beverage" is as defined in G.S. 18B-
25 101(4).

26 (g) Pleading. -- In any prosecution for a violation of ~~this section, subsection (a)~~,
27 the pleading is sufficient if it states the time and place of the alleged offense in the
28 usual form and charges that the defendant drove a motor vehicle on a highway or
29 public vehicular area with an open container of alcoholic beverage after drinking.

30 In any prosecution for a violation of subsection (a1), the pleading is sufficient if it
31 states the time and place of the alleged offense in the usual form and charges that the
32 defendant drove a motor vehicle on a highway or public vehicular area with an open
33 container of alcoholic beverage.

34 (h) Limited Driving Privilege. -- A person who is convicted of violating subsection
35 (a) of this section and whose drivers license is revoked solely based on that
36 conviction may apply for a limited driving privilege as provided for in G.S. 20-179.3.
37 The judge may issue the limited driving privilege only if the driver meets the
38 eligibility requirements of G.S. 20-179.3, other than the requirement in G.S. 20-
39 179.3(b)(1)c. G.S. 20-179.3(e) shall not apply. All other terms, conditions, and
40 restrictions provided for in G.S. 20-179.3 shall apply. G.S. 20-179.3, rather than this
41 subsection, governs the issuance of a limited driving privilege to a person who is
42 convicted of violating subsection (a) of this section and of driving while impaired as a
43 result of the same transaction.

44 Section 8. G.S. 20-17(a)(12) reads as rewritten:

1 "(12) A second or subsequent conviction of transporting an open
2 container of alcoholic beverage under ~~G.S. 20-138.7~~ G.S. 20-
3 138.7(a).

4
5 PART IV. HGN TEST ADMISSIBILITY

6 Section 9. Chapter 8 of the General Statutes is amended by adding a
7 new section which reads:

8 **"§ 8-50.3. Results of Horizontal Gaze Nystagmus; admissibility.**

9 (a) The results of the Horizontal Gaze Nystagmus (HGN) test are admissible as
10 evidence of a person's impairment by an impairing substance in any criminal, civil, or
11 administrative proceeding and for the purpose of corroborating the opinion of a
12 person as to another's mental or physical impairment from an impairing substance.

13 (b) Notwithstanding the provisions of subsection (a) of this section, the results of a
14 HGN test are not admissible in any proceeding unless it is found that the person
15 administering the HGN test (i) had received training in administering the HGN test
16 prior to conducting the HGN test for which admission of the test results is sought and
17 (ii) had followed the training in administering the HGN test for which admission of
18 the test results is sought.

19 (c) Nothing contained herein shall prohibit a court from admitting the HGN test
20 into evidence for any purpose when a proper foundation has been established in
21 accordance with the rules of evidence."

22
23 PART V. LIMITED DRIVING PRIVILEGE ALCOSENSOR ADMISSIBILITY

24 Section 10. G.S. 20-179.3(j) reads as rewritten:

25 "(j) Effect of Violation of Restriction. -- A holder of a limited driving privilege
26 who violates any of its restrictions commits the offense of driving while his license is
27 revoked under G.S. 20-28(a) and is subject to punishment and license revocation as
28 provided in that section. If a law-enforcement officer has reasonable grounds to
29 believe that the holder of a limited driving privilege has consumed alcohol while
30 driving or has driven while he has remaining in his body any alcohol previously
31 consumed, the suspected offense of driving while license is revoked is an alcohol-
32 related offense subject to the implied-consent provisions of G.S. 20-16.2. If a holder
33 of a limited driving privilege is charged with driving while license revoked by
34 violating a restriction contained in his limited driving privilege, and a judicial official
35 determines that there is probable cause for the charge, the limited driving privilege is
36 suspended pending the resolution of the case, and the judicial official must require
37 the holder to surrender the limited driving privilege. The judicial official must also
38 notify the holder that he is not entitled to drive until his case is resolved.

39 Notwithstanding any other provision of law, an alcohol screening test may be
40 administered to a driver suspected of violating this section, and the results of an
41 alcohol screening test or the driver's refusal to submit may be used by a law
42 enforcement officer, a court, or an administrative agency in determining if alcohol
43 was present in the driver's body. No alcohol screening tests are valid under this
44 section unless the device used is one approved by the Commission for Health

1 Services, and the screening test is conducted in accordance with the applicable
2 regulations of the Commission as to the manner of its use."

3
4 PART VI. INCREASE PUNISHMENT FOR 19- OR 20-YEAR OLD PURCHASE
5 OR POSSESSION OF ALCOHOLIC BEVERAGES

6 Section 11. G.S. 18B-302(i) reads as rewritten:

7 "(i) Purchase or Possession by 19 or 20-Year Old. -- A violation of subdivision
8 (b)(1) of this section by a person who is 19 or 20 years old is ~~an infraction and is~~
9 ~~punishable by a fine of not more than twenty five dollars (\$25.00). An infraction is~~
10 ~~an unlawful act that is not a crime. The procedure for charging and trying an~~
11 ~~infraction is the same as for a misdemeanor, but conviction of an infraction has no~~
12 ~~consequence other than payment of a fine. A person convicted of an infraction may~~
13 ~~not be assessed court costs. a Class 3 misdemeanor."~~

14 Section 12. G.S. 15A-145 reads as rewritten:

15 "**§ 15A-145. Expunction of records for first offenders under the age of 18 at the time**
16 **of conviction of ~~misdemeanor.~~ misdemeanor; expunction of certain other**
17 **misdemeanors.**

18 (a) Whenever any person who has (i) not yet attained the age of 18 years and has
19 not previously been convicted of any felony, or misdemeanor other than a traffic
20 violation, under the laws of the United States, the laws of this State or any other
21 state, pleads guilty to or is guilty of a misdemeanor other than a traffic violation, or
22 (ii) not yet attained the age of 21 years and has not previously been convicted of any
23 felony, or misdemeanor other than a traffic violation, under the laws of the United
24 States, the laws of this State or any other state, pleads guilty to or is guilty of a
25 misdemeanor possession of alcohol pursuant to G.S. 18B-302(b)(1), he may file a
26 petition in the court where he was convicted for expunction of the misdemeanor from
27 his criminal record. The petition cannot be filed earlier than two years after the date
28 of the conviction or any period of probation, whichever occurs later, and the petition
29 shall contain, but not be limited to, the following:

30 (1) An affidavit by the petitioner that he has been of good behavior
31 for the two-year period since the date of conviction of the
32 misdemeanor in question and has not been convicted of any felony,
33 or misdemeanor in question and has not been convicted of any
34 felony, or misdemeanor other than a traffic violation, under the
35 laws of the United States or the laws of this State or any other
36 state.

37 (2) Verified affidavits of two persons who are not related to the
38 petitioner or to each other by blood or marriage, that they know
39 the character and reputation of the petitioner in the community in
40 which he lives and that his character and reputation are good.

41 (3) A statement that the petition is a motion in the cause in the case
42 wherein the petitioner was convicted.

43 (4) Affidavits of the clerk of superior court, chief of police, where
44 appropriate, and sheriff of the county in which the petitioner was

1 convicted and, if different, the county of which the petitioner is a
2 resident, showing that the petitioner has not been convicted of a
3 felony or misdemeanor other than a traffic violation under the laws
4 of this State at any time prior to the conviction for the
5 misdemeanor in question or during the two-year period following
6 that conviction.

7 The petition shall be served upon the district attorney of the court wherein the case
8 was tried resulting in conviction. The district attorney shall have 10 days thereafter in
9 which to file any objection thereto and shall be duly notified as to the date of the
10 hearing of the petition.

11 The judge to whom the petition is presented is authorized to call upon a probation
12 officer for any additional investigation or verification of the petitioner's conduct
13 during the two-year period that he deems desirable.

14 (b) If the court, after hearing, finds that the petitioner had remained of good
15 behavior and been free of conviction of any felony or misdemeanor, other than a
16 traffic violation, for two years from the date of conviction of the misdemeanor in
17 question, and (i) petitioner was not 18 years old at the time of the conviction in
18 question, or (ii) petitioner was not 21 years old at the time of the conviction of
19 possession of alcohol pursuant to G.S. 18B-302(b)(1), it shall order that such person
20 be restored, in the contemplation of the law, to the status he occupied before such
21 arrest or indictment or information. No person as to whom such order has been
22 entered shall be held thereafter under any provision of any laws to be guilty of
23 perjury or otherwise giving a false statement by reason of his failure to recite or
24 acknowledge such arrest, or indictment, information, or trial, or response to any
25 inquiry made of him for any purpose.

26 (c) The court shall also order that the said misdemeanor conviction be expunged
27 from the records of the court, and direct all law-enforcement agencies bearing record
28 of the same to expunge their records of the conviction. The clerk shall forward a
29 certified copy of the order to the sheriff, chief of police, or other arresting agency.
30 The sheriff, chief or head of such other arresting agency shall then transmit the copy
31 of the order with a form supplied by the State Bureau of Investigation to the State
32 Bureau of Investigation, and the State Bureau of Investigation shall forward the order
33 to the Federal Bureau of Investigation. The cost of expunging such records shall be
34 taxed against the petitioner.

35 (d) The clerk of superior court in each county in North Carolina shall, as soon as
36 practicable after each term of court in his county, file with the Administrative Office
37 of the Courts, the names of those persons granted a discharge under the provisions of
38 this section, and the Administrative Office of the Courts, the names of those persons
39 granted a discharge under the provisions of this section, and the Administrative
40 Office of the Courts shall maintain a confidential file containing the names of persons
41 granted conditional discharges. The information contained in such file shall be
42 disclosed only to judges of the General Court of Justice of North Carolina for the
43 purpose of ascertaining whether any person charged with an offense has been
44 previously granted a discharge."

1 Section 13. G.S. 15A-146(a) reads as rewritten:

2 "(a) If any person is charged with a crime, either a misdemeanor or a felony, or is
3 was charged with an infraction under G.S. 18B-302(i); G.S. 18B-302(i) prior to
4 December 1, 1999, and the charge is dismissed, or a finding of not guilty or not
5 responsible is entered, that person may apply to the court of the county where the
6 charge was brought for an order to expunge from all official records any entries
7 relating to his apprehension or trial. The court shall hold a hearing on the application
8 and, upon finding that the person had not previously received an expungement and
9 that the person had not previously been convicted of any felony under the laws of the
10 United States, this State, or any other state, the court shall order the expunction. No
11 person as to whom such an order has been entered shall be held thereafter under any
12 provision of any law to be guilty of perjury, or to be guilty of otherwise giving a false
13 statement or response to any inquiry made for any purpose, by reason of his failure to
14 recite or acknowledge any expunged entries concerning apprehension or trial."
15

16 PART VII. OTHER DWI CHANGES

17 Section 14. G.S. 20-16.2(i) reads as rewritten:

18 "**§ 20-16.2. Implied consent to chemical analysis; mandatory revocation of license in**
19 **event of refusal; right of driver to request analysis.**

20 (i) Right to Chemical Analysis before Arrest or Charge. -- A person stopped or
21 questioned by a law-enforcement officer who is investigating whether the person may
22 have committed an implied-consent offense may request the administration of a
23 chemical analysis before any arrest or other charge is made for the offense. Upon this
24 request, the officer shall afford the person the opportunity to have a chemical analysis
25 of his or her breath, if available, in accordance with the procedures required by G.S.
26 20-139.1(b). The request constitutes the person's consent to be transported by the
27 law-enforcement officer to the place where the chemical analysis is to be
28 administered. Before the chemical analysis is made, the person shall confirm the
29 request in writing and shall be notified:

30 (1) That the test results will be admissible in evidence and may be
31 used against the person in any implied-consent offense that may
32 arise;

33 (2) That the person's license will be revoked for at least 30 days if:
34 a. The test reveals an alcohol concentration of 0.08 or more; or
35 b. The person was driving a commercial motor vehicle and the
36 test results reveal an alcohol concentration of 0.04 or ~~more~~
37 more; or
38 c. The person is under 21 years of age and the test reveals any
39 alcohol concentration.

40 (3) That if the person fails to comply fully with the test procedures,
41 the officer may charge the person with any offense for which the
42 officer has probable cause, and if the person is charged with an
43 implied-consent offense, the person's refusal to submit to the
44 testing required as a result of that charge would result in

1 revocation of the person's driver's license. The results of the
2 chemical analysis are admissible in evidence in any proceeding in
3 which they are relevant."

4 Section 15. G.S. 20-28.2(a) reads as rewritten:

5 **"§ 20-28.2. Forfeiture of motor vehicle for impaired driving after impaired driving
6 license revocation.**

7 (a) Meaning of "Impaired Driving License Revocation". -- The revocation of a
8 person's drivers license is an impaired driving license revocation if the revocation is
9 pursuant to:

- 10 (1) G.S. 20-13.2, 20-16(a)(8b), 20-16.2, 20-16.5, 20-17(a)(2), 20-
11 17(a)(12), 20-17.2, or 20-138.5; or
12 (2) G.S. 20-16(a)(7), 20-17(a)(1), 20-17(a)(3), 20-17(a)(9), or 20-
13 17(a)(11), if the offense involves impaired ~~driving~~ driving; or
14 (3) The laws of another state and the offense for which the person's
15 license is revoked prohibits substantially similar conduct which if
16 committed in this state would result in a revocation listed in
17 subdivisions (1) or (2)."

18 Section 16. G.S. 20-28.2(e) reads as rewritten:

19 "(e) Release of Vehicle to Innocent Motor Vehicle Owner. -- At a forfeiture
20 hearing, if a nondefendant motor vehicle owner establishes by the greater weight of
21 the evidence that: (i) the motor vehicle was being driven by a person who was not
22 the only motor vehicle owner or had no ownership interest in the motor vehicle at
23 the time of the underlying offense and (ii) the petitioner is an "innocent owner", as
24 defined by this section, a judge shall order the motor vehicle released to that owner,
25 conditioned upon payment of all towing and storage charges incurred as a result of
26 the seizure and impoundment of the motor vehicle.

27 Release to an innocent owner shall only be ordered upon satisfactory proof of:

- 28 (1) The identity of the person as a motor vehicle owner;
29 (2) The existence of financial responsibility to the extent required by
30 Article 13 of this ~~Chapter~~; Chapter or by the laws of the state in
31 which the vehicle is registered; and
32 (3) Repealed by Session Laws 1998-182, s. 2.
33 (4) The execution of an acknowledgment as defined in subdivision
34 (a1)(1) of this section.

35 If the nondefendant owner is a lessor, the release shall also be conditioned upon
36 the lessor agreeing not to sell, give, or otherwise transfer possession of the forfeited
37 motor vehicle to the defendant or any person acting on the defendant's behalf. A
38 lessor who refuses to sell, give, or transfer possession of a seized motor vehicle to the
39 defendant or any person acting on the behalf of the defendant shall not be liable for
40 damages arising out of the refusal.

41 No motor vehicle subject to forfeiture under this section shall be released to a
42 nondefendant motor vehicle owner if the records of the Division indicate the motor
43 vehicle owner had previously signed an acknowledgment, as required by this section,
44 and the same person was operating the motor vehicle while that person's license was

1 revoked unless the innocent owner shows by the greater weight of the evidence that
2 the motor vehicle owner has taken all reasonable precautions to prevent the use of
3 the motor vehicle by this particular person and immediately reports, upon discovery,
4 any unauthorized use to the appropriate law enforcement agency. A determination
5 by the court at the forfeiture hearing held pursuant to subsection (d) of this section
6 that the petitioner is not an innocent owner is a final judgment and is immediately
7 appealable to the Court of Appeals."

8 Section 17. G.S. 20-16.5(e) reads as rewritten:

9 "(e) Procedure if Report Filed with Judicial Official When Person Is Present. -- If
10 a properly executed revocation report concerning a person is filed with a judicial
11 official when the person is present before that official, the judicial official shall, after
12 completing any other proceedings involving the person, determine whether there is
13 probable cause to believe that each of the conditions of subsection (b) has been met.
14 If he determines that there is such probable cause, he shall enter an order revoking
15 the person's driver's license for the period required in this subsection. The judicial
16 official shall order the person to surrender his license and if necessary may order a
17 law-enforcement officer to seize the license. The judicial official shall give the person
18 a copy of the revocation order. In addition to setting it out in the order the judicial
19 official shall personally inform the person of his right to a hearing as specified in
20 subsection (g), and that his license remains revoked pending the hearing. The
21 revocation under this subsection begins at the time the revocation order is issued and
22 continues until the person's license ~~has been revoked~~ has been surrendered for the
23 period specified in this subsection, and the person has paid the applicable costs. The
24 period of revocation is 30 days, if there are no pending offenses for which the
25 person's license had been or is revoked under this section. If at the time of the
26 current offense, the person has one or more pending offenses for which his license
27 had been or is revoked under this section, the revocation shall remain in effect until a
28 final judgment, including all appeals, has been entered for the current offense and for
29 all pending offenses. In no event, may the period of revocation under this subsection
30 be less than 30 days. If within five working days of the effective date of the order, the
31 person does not surrender his license or demonstrate that he is not currently licensed,
32 the clerk shall immediately issue a pick-up order. The pick-up order shall be issued
33 to a member of a local law-enforcement agency if the charging officer was employed
34 by the agency at the time of the charge and the person resides in or is present in the
35 agency's territorial jurisdiction. In all other cases, the pick-up order shall be issued to
36 an officer or inspector of the Division. A pick-up order issued pursuant to this section
37 is to be served in accordance with G.S. 20-29 as if the order had been issued by the
38 Division."

39 Section 18. G.S. 20-139.1(b3) reads as rewritten:

40 "(b3) Sequential Breath Tests Required. -- By January 1, 1985, the regulations of
41 the Commission for Health Services governing the administration of chemical
42 analyses of the breath shall require the testing of at least duplicate sequential breath
43 samples. Those regulations must provide:

- 1 (1) A specification as to the minimum observation period before
2 collection of the first breath sample and the time requirements as
3 to collection of second and subsequent samples.
- 4 (2) That the test results may only be used to prove a person's
5 particular alcohol concentration if:
6 a. The pair of readings employed are from consecutively
7 administered tests; and
8 b. The readings do not differ from each other by an alcohol
9 concentration greater than 0.02.
- 10 (3) That when a pair of analyses meets the requirements of subdivision
11 (2), only the lower of the two readings may be used by the State as
12 proof of a person's alcohol concentration in any court or
13 administrative proceeding.

14 A person's ~~willful~~ refusal to give the sequential breath samples necessary to constitute
15 a valid chemical analysis is a ~~willful~~ refusal under G.S. 20-16.2(c).

16 A person's ~~willful~~ refusal to give the second or subsequent breath sample shall
17 make the result of the first breath sample, or the result of the sample providing the
18 lowest alcohol concentration if more than one breath sample is provided, admissible
19 in any judicial or administrative hearing for any relevant purpose, including the
20 establishment that a person had a particular alcohol concentration for conviction of
21 an offense involving impaired driving."

22 Section 19. G.S. 20-4.01(24a) reads as rewritten:

23 "(24a) Offense Involving Impaired Driving. -- Any of the following
24 offenses:

- 25 a. Impaired driving under G.S. 20-138.1.
26 b. Death by vehicle under G.S. 20-141.4 when conviction is
27 based upon impaired driving or a substantially equivalent
28 offense under previous law.
29 c. First or second degree murder under G.S. 14-17 or
30 involuntary manslaughter under G.S. 14-18 when conviction
31 is based upon impaired driving or a substantially equivalent
32 offense under previous law.
33 d. An offense committed in another jurisdiction which
34 prohibits substantially ~~equivalent to~~ similar conduct
35 prohibited by the offenses in ~~subparagraphs a through e.~~ this
36 subsection.
37 e. A repealed or superseded offense substantially equivalent to
38 impaired driving, including offenses under former G.S. 20-
39 138 or G.S. 20-139.
40 f. Impaired driving in a commercial motor vehicle under G.S.
41 20-138.2, except that convictions of impaired driving under
42 G.S. 20-138.1 and G.S. 20-138.2 arising out of the same
43 transaction shall be considered a single conviction of an

1 offense involving impaired driving for any purpose under
2 this Chapter.

3 g. Habitual impaired driving under G.S. 20-138.5.

4 A conviction under former G.S. 20-140(c) is not an offense
5 involving impaired driving."

6 Section 20. G.S. 20-138.2A reads as rewritten:

7 "**§ 20-138.2A. Operating a commercial vehicle after consuming alcohol.**

8 (a) Offense. -- A person commits the offense of operating a commercial motor
9 vehicle after consuming alcohol if the person drives a commercial motor vehicle, as
10 defined in G.S. 20-4.01(3d)a. and b., upon any highway, any street, or any public
11 vehicular area within the State ~~after having consumed sufficient alcohol that the~~
12 ~~person has, at any relevant time after the driving, an alcohol concentration greater~~
13 ~~than 0.00 and less than 0.04.~~ while consuming alcohol or while alcohol remains in the
14 person's body.

15 (b) Implied-Consent Offense. -- An offense under this section is an implied-
16 consent offense subject to the provisions of G.S. 20-16.2. The provisions of G.S. 20-
17 139.1 shall apply to an offense committed under this section.

18 (b1) Odor Insufficient. -- The odor of an alcoholic beverage on the breath of the
19 driver is insufficient evidence by itself to prove beyond a reasonable doubt that
20 alcohol was remaining in the driver's body in violation of this section unless the
21 driver was offered an alcohol screening test or chemical analysis and refused to
22 provide all required samples of breath or blood for analysis.

23 (b2) Alcohol Screening Test. -- Notwithstanding any other provision of law, an
24 alcohol screening test may be administered to a driver suspected of violation of
25 subsection (a) of this section, and the results of an alcohol screening test or the
26 driver's refusal to submit may be used by a law enforcement officer, a court, or an
27 administrative agency in determining if alcohol was present in the driver's body. No
28 alcohol screening tests are valid under this section unless the device used is one
29 approved by the Commission on Health Services, and the screening test is conducted
30 in accordance with the applicable regulations of the Commission as to its manner and
31 use.

32 (c) Punishment. -- Except as otherwise provided in this subsection, a violation of
33 the offense described in subsection (a) of this section is a Class 3 misdemeanor and,
34 notwithstanding G.S. 15A-1340.23, is punishable by a penalty of one hundred dollars
35 (\$100.00). A second or subsequent violation of this section is a misdemeanor
36 punishable under G.S. 20-179. This offense is a lesser included offense of impaired
37 driving of a commercial vehicle under G.S. 20-138.2.

38 (d) Second or Subsequent Conviction Defined. -- A conviction for violating this
39 offense is a second or subsequent conviction if at the time of the current offense the
40 person has a previous conviction under this section, and the previous conviction
41 occurred in the seven years immediately preceding the date of the current offense.
42 This definition of second or subsequent conviction also applies to G.S. 20-17(a)(13)
43 and G.S. 20-17.4(a)(6).

44 Section 21. G.S. 20-138.2B reads as rewritten:

1 "§ 20-138.2B. Operating a school bus, school activity bus, or child care vehicle after
2 consuming alcohol.

3 (a) Offense. -- A person commits the offense of operating a school bus, school
4 activity bus, or child care vehicle after consuming alcohol if the person drives a
5 school bus, school activity bus, or child care vehicle upon any highway, any street, or
6 any public vehicular area within the State ~~after having consumed sufficient alcohol~~
7 ~~that the person has, at any relevant time after the driving, an alcohol concentration~~
8 ~~greater than 0.00.~~ while consuming alcohol or while alcohol remains in the person's
9 body.

10 (b) Implied-Consent Offense. -- An offense under this section is an implied-
11 consent offense subject to the provisions of G.S. 20-16.2. The provisions of G.S. 20-
12 139.1 shall apply to an offense committed under this section.

13 (b1) Odor Insufficient. -- The odor of an alcoholic beverage on the breath of the
14 driver is insufficient evidence by itself to prove beyond a reasonable doubt that
15 alcohol was remaining in the driver's body in violation of this section unless the
16 driver was offered an alcohol screening test or chemical analysis and refused to
17 provide all required samples of breath or blood for analysis.

18 (b2) Alcohol Screening Test. -- Notwithstanding any other provision of law, an
19 alcohol screening test may be administered to a driver suspected of violation of
20 subsection (a) of this section, and the results of an alcohol screening test or the
21 driver's refusal to submit may be used by a law enforcement officer, a court, or an
22 administrative agency in determining if alcohol was present in the driver's body. No
23 alcohol screening tests are valid under this section unless the device used is one
24 approved by the Commission on Health Services, and the screening test is conducted
25 in accordance with the applicable regulations of the Commission as to its manner and
26 use.

27 (c) Punishment. -- Except as otherwise provided in this subsection, a violation of
28 the offense described in subsection (a) of this section is a Class 3 misdemeanor and,
29 notwithstanding G.S. 15A-1340.23, is punishable by a penalty of one hundred dollars
30 (\$100.00). A second or subsequent violation of this section is a misdemeanor
31 punishable under G.S. 20-179. This offense is a lesser included offense of impaired
32 driving of a commercial vehicle under G.S. 20-138.1.

33 (d) Second or Subsequent Conviction Defined. -- A conviction for violating this
34 offense is a second or subsequent conviction if at the time of the current offense the
35 person has a previous conviction under this section, and the previous conviction
36 occurred in the seven years immediately preceding the date of the current offense.
37 This definition of second or subsequent conviction also applies to G.S. 20-19(c2).

38 Section 22. G.S. 20-28.2(a1)(2) reads as rewritten:

39 "(2) Innocent Owner. -- A motor vehicle owner:

- 40 a. Who did not know and had no reason to know that the
41 defendant's drivers license was revoked;
42 b. Who knew that the defendant's drivers license was revoked,
43 but the defendant drove the vehicle without the person's
44 expressed or implied ~~permission;~~ permission, and the owner

- 1 files a police report for unauthorized use of the motor
2 vehicle and agrees to prosecute the unauthorized operator of
3 the motor vehicle;
4 c. Whose vehicle was reported stolen;
5 ~~d. Who files a police report for unauthorized use of the motor~~
6 ~~vehicle and agrees to prosecute the unauthorized operator of~~
7 ~~the motor vehicle;~~
8 e. Who is in the business of renting vehicles, ~~the driver~~ and the
9 vehicle was driven by a person who is not listed as an
10 authorized driver on the rental contract; or
11 f. Who is in the business of leasing motor vehicles, who holds
12 legal title to the motor vehicle as a lessor at the time of
13 seizure and who has no actual knowledge of the revocation
14 of the lessee's drivers license at the time the lease is
15 entered."
16

17 PART VIII. EFFECTIVE DATE

18 Section 23. Parts I and II of this act become effective July 1, 2000, and
19 apply to offenses committed on or after that date. The remainder of this act becomes
20 effective December 1, 1999, and applies to offenses committed on or after that date.

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1999

H

D

HOUSE BILL 1135
Committee Substitute Favorable 4/22/99
Third Edition Engrossed 4/26/99
Corrected Copy 4/30/99
Proposed Committee Substitute H1135-PCSSA-001

Short Title: 1999 Governor's DWI Amendments.

(Public)

Sponsors:

Referred to:

April 15, 1999

1 A BILL TO BE ENTITLED
2 AN ACT TO IMPLEMENT THE RECOMMENDATIONS OF THE GOVERNOR'S DWI
3 TASK FORCE.
4 The General Assembly of North Carolina enacts:
5
6 PART I. LOWER TOLERANCE FOR REPEAT OFFENDERS
7 Section 1. G.S. 20-16.2 reads as rewritten:
8 "§ 20-16.2. Implied consent to chemical analysis; mandatory
9 revocation of license in event of refusal; right of driver to
10 request analysis.
11 (a) Basis for Charging Officer to Require Chemical Analysis;
12 Notification of Rights. -- Any person who drives a vehicle on a
13 highway or public vehicular area thereby gives consent to a
14 chemical analysis if charged with an implied-consent offense. The
15 charging officer shall designate the type of chemical analysis to
16 be administered, and it may be administered when the officer has
17 reasonable grounds to believe that the person charged has
18 committed the implied-consent offense.
19 Except as provided in this subsection or subsection (b), before
20 any type of chemical analysis is administered the person charged

1 shall be taken before a chemical analyst authorized to administer
2 a test of a person's breath, who shall inform the person orally
3 and also give the person a notice in writing that:

- 4 (1) The person has a right to refuse to be tested.
- 5 (2) Refusal to take any required test or tests will
6 result in an immediate revocation of the person's
7 driving privilege for at least 30 days and an
8 additional 12-month revocation by the Division of
9 Motor Vehicles.
- 10 (3) The test results, or the fact of the person's
11 refusal, will be admissible in evidence at trial on
12 the offense charged.
- 13 (4) The person's driving privilege will be revoked
14 immediately for at least 30 days if:
 - 15 a. The test reveals an alcohol concentration of
16 0.08 or more;
 - 17 b. The person was driving a commercial motor
18 vehicle and the test reveals an alcohol
19 concentration of 0.04 or more; or
 - 20 c. The person is under 21 years of age and the
21 test reveals any alcohol concentration.
- 22 (5) The person may choose a qualified person to
23 administer a chemical test or tests in addition to
24 any test administered at the direction of the
25 charging officer.
- 26 (6) The person has the right to call an attorney and
27 select a witness to view for him or her the testing
28 procedures, but the testing may not be delayed for
29 these purposes longer than 30 minutes from the time
30 when the person is notified of his or her rights.

31 If the charging officer or an arresting officer is authorized to
32 administer a chemical analysis of a person's breath, the charging
33 officer or the arresting officer may give the person charged the
34 oral and written notice of rights required by this subsection.
35 This authority applies regardless of the type of chemical
36 analysis designated.

37 (a1) Meaning of Terms. -- Under this section, an "implied-
38 consent offense" is an offense involving impaired driving or an
39 alcohol-related offense made subject to the procedures of this
40 section. A person is "charged" with an offense if the person is
41 arrested for it or if criminal process for the offense has been
42 issued. A "charging officer" is a law-enforcement officer who
43 arrests the person charged, lodges the charge, or assists the
44 officer who arrested the person or lodged the charge by assuming

1 custody of the person to make the request required by subsection
2 (c) and, if necessary, to present the person to a judicial
3 official for an initial appearance.

4 (b) Unconscious Person May Be Tested. -- If a charging officer
5 has reasonable grounds to believe that a person has committed an
6 implied-consent offense, and the person is unconscious or
7 otherwise in a condition that makes the person incapable of
8 refusal, the charging officer may direct the taking of a blood
9 sample by a person qualified under G.S. 20-139.1 or may direct
10 the administration of any other chemical analysis that may be
11 effectively performed. In this instance the notification of
12 rights set out in subsection (a) and the request required by
13 subsection (c) are not necessary.

14 (c) ~~Request to Submit to Chemical Analysis; Procedure upon~~
15 ~~Refusal Analysis.~~ -- The charging officer, in the presence of
16 the chemical analyst who has notified the person of his or her
17 rights under subsection (a), must request the person charged to
18 submit to the type of chemical analysis designated. If the person
19 charged willfully refuses to submit to that chemical analysis,
20 none may be given under the provisions of this section, but the
21 refusal does not preclude testing under other applicable
22 procedures of law. ~~If the person refuses to submit to the~~
23 ~~chemical analysis, the charging officer and the chemical analyst~~
24 ~~must without unnecessary delay go before an official authorized~~
25 ~~to administer oaths and execute an affidavit stating that the~~
26 ~~person charged, after being advised of his or her rights under~~
27 ~~subsection (a), willfully refused to submit to a chemical~~
28 ~~analysis at the request of the charging officer. The charging~~
29 ~~officer must immediately mail the affidavit to the Division. If~~
30 ~~the person's refusal to submit to a chemical analysis occurs in a~~
31 ~~case involving death or critical injury to another person, the~~
32 ~~charging officer must include that fact in the affidavit mailed~~
33 ~~to the Division. If the charging officer is also the chemical~~
34 ~~analyst who has notified the person of his or her rights under~~
35 ~~subsection (a), the charging officer may perform alone the duties~~
36 ~~of this subsection.~~

37 (c1) Procedure for Reporting Results and Refusal to Division.
38 -- Whenever a person refuses to submit to a chemical analysis or
39 a person's drivers license has an alcohol concentration
40 restriction and the results of the chemical analysis establish a
41 violation of the restriction, the charging officer and the
42 chemical analyst must without unnecessary delay go before an
43 official authorized to administer oaths and execute an
44 affidavit(s) stating that:

- 1 (1) The person was charged with an implied-consent
2 offense or had an alcohol concentration restriction
3 on the drivers license;
4 (2) The charging officer had reasonable grounds to
5 believe that the person had committed an implied-
6 consent offense or violated the alcohol
7 concentration restriction on the drivers license;
8 (3) Whether the implied-consent offense charged
9 involved death or critical injury to another
10 person, if the person willfully refused to submit
11 to chemical analysis;
12 (4) The person was notified of the rights in subsection
13 (a); and
14 (5) The results of any tests given or that the person
15 willfully refused to submit to a chemical analysis
16 upon the request of the charging officer.

17 The charging officer must immediately mail the affidavit(s) to
18 the Division. If the charging officer is also the chemical
19 analyst who has notified the person of the rights under
20 subsection (a), the charging officer may perform alone the duties
21 of this subsection.

22 (d) Consequences of Refusal; Right to Hearing before Division;
23 Issues. -- Upon receipt of a properly executed affidavit required
24 by subsection ~~(c)~~, (c1), the Division must expeditiously notify
25 the person charged that the person's license to drive is revoked
26 for 12 months, effective on the tenth calendar day after the
27 mailing of the revocation order unless, before the effective date
28 of the order, the person requests in writing a hearing before the
29 Division. Except for the time referred to in G.S. 20-16.5, if the
30 person shows to the satisfaction of the Division that his or her
31 license was surrendered to the court, and remained in the court's
32 possession, then the Division shall credit the amount of time for
33 which the license was in the possession of the court against the
34 12-month revocation period required by this subsection. If the
35 person properly requests a hearing, the person retains his or her
36 license, unless it is revoked under some other provision of law,
37 until the hearing is held, the person withdraws the request, or
38 the person fails to appear at a scheduled hearing. The hearing
39 officer may subpoena any witnesses or documents that the hearing
40 officer deems necessary. The person may request the hearing
41 officer to subpoena the charging officer, the chemical analyst,
42 or both to appear at the hearing if the person makes the request
43 in writing at least three days before the hearing. The person may
44 subpoena any other witness whom the person deems necessary, and

1 the provisions of G.S. 1A-1, Rule 45, apply to the issuance and
2 service of all subpoenas issued under the authority of this
3 section. The hearing officer is authorized to administer oaths to
4 witnesses appearing at the hearing. The hearing must be conducted
5 in the county where the charge was brought, and must be limited
6 to consideration of whether:

- 7 (1) The person was charged with an implied-consent
8 offense; offense or the driver had an alcohol
9 concentration restriction on the drivers license
10 pursuant to G.S. 20-19;
- 11 (2) The charging officer had reasonable grounds to
12 believe that the person had committed an implied-
13 consent offense; offense or violated the alcohol
14 concentration restriction on the drivers license;
- 15 (3) The implied-consent offense charged involved death
16 or critical injury to another person, if this
17 allegation is in the affidavit;
- 18 (4) The person was notified of ~~his or her~~ the person's
19 rights as required by subsection (a); and
- 20 (5) The person willfully refused to submit to a
21 chemical analysis upon the request of the charging
22 officer.

23 If the Division finds that the conditions specified in this
24 subsection are met, it must order the revocation sustained. If
25 the Division finds that any of the conditions (1), (2), (4), or
26 (5) is not met, it must rescind the revocation. If it finds that
27 condition (3) is alleged in the affidavit but is not met, it must
28 order the revocation sustained if that is the only condition that
29 is not met; in this instance subsection (d1) does not apply to
30 that revocation. If the revocation is sustained, the person must
31 surrender his or her license immediately upon notification by the
32 Division.

33 (d1) Consequences of Refusal in Case Involving Death or
34 Critical Injury. -- If the refusal occurred in a case involving
35 death or critical injury to another person, no limited driving
36 privilege may be issued. The 12-month revocation begins only
37 after all other periods of revocation have terminated unless the
38 person's license is revoked under G.S. 20-28, 20-28.1, 20-19(d),
39 or 20-19(e). If the revocation is based on those sections, the
40 revocation under this subsection begins at the time and in the
41 manner specified in subsection (d) for revocations under this
42 section. However, the person's eligibility for a hearing to
43 determine if the revocation under those sections should be
44 rescinded is postponed for one year from the date on which the

1 person would otherwise have been eligible for such a hearing. If
2 the person's driver's license is again revoked while the 12-month
3 revocation under this subsection is in effect, that revocation,
4 whether imposed by a court or by the Division, may only take
5 effect after the period of revocation under this subsection has
6 terminated.

7 (e) Right to Hearing in Superior Court. -- If the revocation
8 for a willful refusal is sustained after the hearing, the person
9 whose license has been revoked has the right to file a petition
10 in the superior court for a hearing de novo upon the issues
11 listed in subsection (d), in the same manner and under the same
12 conditions as provided in G.S. 20-25 except that the de novo
13 hearing is conducted in the superior court district or set of
14 districts as defined in G.S. 7A-41.1 where the charge was made.

15 (e1) Limited Driving Privilege after Six Months in Certain
16 Instances. -- A person whose driver's license has been revoked
17 under this section may apply for and a judge authorized to do so
18 by this subsection may issue a limited driving privilege if:

- 19 (1) At the time of the refusal the person held either a
20 valid drivers license or a license that had been
21 expired for less than one year;
- 22 (2) At the time of the refusal, the person had not
23 within the preceding seven years been convicted of
24 an offense involving impaired driving;
- 25 (3) At the time of the refusal, the person had not in
26 the preceding seven years willfully refused to
27 submit to a chemical analysis under this section;
- 28 (4) The implied-consent offense charged did not involve
29 death or critical injury to another person;
- 30 (5) The underlying charge for which the defendant was
31 requested to submit to a chemical analysis has been
32 finally disposed of:
 - 33 a. Other than by conviction; or
 - 34 b. By a conviction of impaired driving under G.S.
35 20-138.1, at a punishment level authorizing
36 issuance of a limited driving privilege under
37 G.S. 20-179.3(b), and the defendant has
38 complied with at least one of the mandatory
39 conditions of probation listed for the
40 punishment level under which the defendant was
41 sentenced;
- 42 (6) Subsequent to the refusal the person has had no
43 unresolved pending charges for or additional

1 convictions of an offense involving impaired
2 driving;

3 (7) The person's license has been revoked for at least
4 six months for the refusal; and

5 (8) The person has obtained a substance abuse
6 assessment from a mental health facility and
7 successfully completed any recommended training or
8 treatment program.

9 Except as modified in this subsection, the provisions of G.S. 20-
10 179.3 relating to the procedure for application and conduct of
11 the hearing and the restrictions required or authorized to be
12 included in the limited driving privilege apply to applications
13 under this subsection. If the case was finally disposed of in the
14 district court, the hearing shall be conducted in the district
15 court district as defined in G.S. 7A-133 in which the refusal
16 occurred by a district court judge. If the case was finally
17 disposed of in the superior court, the hearing shall be conducted
18 in the superior court district or set of districts as defined in
19 G.S. 7A-41.1 in which the refusal occurred by a superior court
20 judge. A limited driving privilege issued under this section
21 authorizes a person to drive if the person's license is revoked
22 solely under this section or solely under this section and G.S.
23 20-17(2). If the person's license is revoked for any other
24 reason, the limited driving privilege is invalid.

25 (f) Notice to Other States as to Nonresidents. -- When it has
26 been finally determined under the procedures of this section that
27 a nonresident's privilege to drive a motor vehicle in this State
28 has been revoked, the Division must give information in writing
29 of the action taken to the motor vehicle administrator of the
30 state of the person's residence and of any state in which the
31 person has a license.

32 (g) Repealed by Session Laws 1973, c. 914.

33 (h) Repealed by Session Laws 1979, c. 423, s. 2.

34 (i) Right to Chemical Analysis before Arrest or Charge. -- A
35 person stopped or questioned by a law-enforcement officer who is
36 investigating whether the person may have committed an implied-
37 consent offense may request the administration of a chemical
38 analysis before any arrest or other charge is made for the
39 offense. Upon this request, the officer shall afford the person
40 the opportunity to have a chemical analysis of his or her breath,
41 if available, in accordance with the procedures required by G.S.
42 20-139.1(b). The request constitutes the person's consent to be
43 transported by the law-enforcement officer to the place where the
44 chemical analysis is to be administered. Before the chemical

1 analysis is made, the person shall confirm the request in writing
2 and shall be notified:

- 3 (1) That the test results will be admissible in
4 evidence and may be used against the person in any
5 implied-consent offense that may arise;
- 6 (2) That the person's license will be revoked for at
7 least 30 days if:
8 a. The test reveals an alcohol concentration of
9 0.08 or more; or
10 b. The person was driving a commercial motor
11 vehicle and the test results reveal an alcohol
12 concentration of 0.04 or more.
- 13 (3) That if the person fails to comply fully with the
14 test procedures, the officer may charge the person
15 with any offense for which the officer has probable
16 cause, and if the person is charged with an
17 implied-consent offense, the person's refusal to
18 submit to the testing required as a result of that
19 charge would result in revocation of the person's
20 driver's license. The results of the chemical
21 analysis are admissible in evidence in any
22 proceeding in which they are relevant."

23 Section 2. G.S. 20-19 reads as rewritten:

24 "§ 20-19. Period of suspension or ~~revocation~~ revocation;
25 conditions of restoration.

26 (a) When a license is suspended under subdivision (8) or (9)
27 of G.S. 20-16(a), the period of suspension shall be in the
28 discretion of the Division and for such time as it deems best for
29 public safety but shall not exceed six months.

30 (b) When a license is suspended under subdivision (10) of G.S.
31 20-16(a), the period of suspension shall be in the discretion of
32 the Division and for such time as it deems best for public safety
33 but shall not exceed a period of 12 months.

34 (c) When a license is suspended under any other provision of
35 this Article which does not specifically provide a period of
36 suspension, the period of suspension shall be not more than one
37 year.

38 (c1) When a license is revoked under subdivision (2) of G.S.
39 20-17, and the period of revocation is not determined by
40 subsection (d) or (e) of this section, the period of revocation
41 is one year.

42 (c2) When a license is suspended under G.S. 20-17(a)(14), the
43 period of revocation for a first conviction shall be for 10 days.

1 For a second or subsequent conviction as defined in G.S. 20-
2 138.2B(d), the period of revocation shall be one year.

3 (c3) Restriction; Revocations. -- When the Division restores a
4 person's drivers license which was revoked pursuant to G.S. 20-
5 13.2 (a), G.S. 20-23 when the offense involved impaired driving,
6 G.S. 20-23.2, subdivision (2) of G.S. 20-17(a), subdivision (1)
7 or (9) of G.S. 20-17(a) when the offense involved impaired
8 driving, or this subsection, in addition to any other restriction
9 or condition, it shall place the applicable restriction on the
10 person's drivers license as follows:

11 (1) For the first restoration of a drivers license for
12 a person convicted of driving while impaired, G.S.
13 20-138.1, or a drivers license revoked pursuant to
14 G.S. 20-23 or G.S. 20-23.2 when the offense for
15 which the person's license was revoked prohibits
16 substantially similar conduct which if committed in
17 this State would result in a conviction of driving
18 while impaired under G.S. 20-138.1, that the person
19 not operate a vehicle with an alcohol concentration
20 of 0.04 or more at any relevant time after the
21 driving;

22 (2) For the second or subsequent restoration of a
23 drivers license for a person convicted of driving
24 while impaired, G.S. 20-138.1, or a drivers license
25 revoked pursuant to G.S. 20-23 or G.S. 20-23.2 when
26 the offense for which the person's license was
27 revoked prohibits substantially similar conduct
28 which if committed in this State would result in a
29 conviction of driving while impaired under G.S. 20-
30 138.1, that the person not operate a vehicle with
31 an alcohol concentration greater than 0.00 at any
32 relevant time after the driving;

33 (3) For any restoration of a drivers license for a
34 person convicted of driving while impaired in a
35 commercial motor vehicle, G.S. 20-138.2, driving
36 while less than 21 years old after consuming
37 alcohol or drugs, G.S. 20-138.3, felony death by
38 vehicle, G.S. 20-141.4(a1), manslaughter or
39 negligent homicide resulting from the operation of
40 a motor vehicle when the offense involved impaired
41 driving, or a revocation under this subsection,
42 that the person not operate a vehicle with an
43 alcohol concentration of 0.00 or more at any
44 relevant time after the driving;

1 (4) For any restoration of a drivers license revoked
2 pursuant to G.S. 20-23 or G.S. 20-23.2 when the
3 offense for which the person's license was revoked
4 prohibits substantially similar conduct which if
5 committed in this State would result in a
6 conviction of driving while impaired in a
7 commercial motor vehicle, G.S. 20-138.2, driving
8 while less than 21 years old after consuming
9 alcohol or drugs, G.S. 20-138.3, felony death by
10 vehicle, G.S. 20-141.4(a1), or manslaughter or
11 negligent homicide resulting from the operation of
12 a motor vehicle when the offense involved impaired
13 driving, that the person not operate a vehicle with
14 an alcohol concentration of 0.00 or more at any
15 relevant time after the driving.

16 In addition, the person seeking restoration of a license must
17 agree to submit to a chemical analysis in accordance with G.S.
18 20-16.2 at the request of a law enforcement officer who has
19 reasonable grounds to believe the person is operating a motor
20 vehicle on a highway in violation of the restriction specified in
21 this subsection. The person must also agree that, when requested
22 by a law enforcement officer, the person will agree to be
23 transported by the law enforcement officer to the place where
24 chemical analysis is to be administered.

25 The restrictions placed on a license under this subsection
26 shall be in effect (i) seven years from the date of restoration
27 if the person's license was permanently revoked, (ii) until the
28 person's twenty-first birthday if the revocation was for a
29 conviction under G.S. 20-138.3, and (iii) three years in all
30 other cases.

31 On the basis of information reported pursuant to G.S. 20-16.2,
32 the Division shall revoke the drivers license of any person who
33 violates a condition of reinstatement imposed under this
34 subsection. An alcohol concentration report from an ignition
35 interlock system shall not be used as the basis for revocation
36 under this subsection. A violation of a restriction imposed
37 under this subsection or the willful refusal to submit to a
38 chemical analysis shall result in a one-year revocation. If the
39 period of revocation was imposed pursuant to subsection (d) or
40 (e), any remaining period of the original revocation, prior to
41 its reduction, shall be reinstated and the one-year revocation
42 begins after all other periods of revocation have terminated.

43 (c4) Applicable Procedures. -- When a person has violated a
44 condition of restoration by refusing a chemical analysis, the

1 notice and hearing procedures of G.S. 20-16.2 apply. When a
2 person has submitted to a chemical analysis and the results show
3 a violation of the alcohol concentration restriction, the
4 notification and hearing procedures of this section apply.

5 (c5) Right to Hearing before Division: Issues. -- Upon
6 receipt of a properly executed affidavit required by G.S. 20-
7 16.2(c1), the Division must expeditiously notify the person
8 charged that the person's license to drive is revoked for the
9 period of time specified in this section, effective on the tenth
10 calendar day after the mailing of the revocation order unless,
11 before the effective date of the order, the person requests in
12 writing a hearing before the Division. Except for the time
13 referred to in G.S. 20-16.5, if the person shows to the
14 satisfaction of the Division that the person's license was
15 surrendered to the court and remained in the court's possession,
16 then the Division shall credit the amount of time for which the
17 license was in the possession of the court against the revocation
18 period required by this section. If the person properly requests
19 a hearing, the person retains the person's license, unless it is
20 revoked under some other provision of law, until the hearing is
21 held, the person withdraws the request, or the person fails to
22 appear at a scheduled hearing. The hearing officer may subpoena
23 any witnesses or documents that the hearing officer deems
24 necessary. The person may request the hearing officer to
25 subpoena the charging officer, the chemical analyst, or both to
26 appear at the hearing if the person makes the request in writing
27 at least three days before the hearing. The person may subpoena
28 any other witness whom the person deems necessary, and the
29 provision of G.S. 1A-1, Rule 45, apply to the issuance and
30 service of all subpoenas issued under the authority of this
31 section. The hearing officer is authorized to administer oaths
32 to witnesses appearing at the hearing. The hearing must be
33 conducted in the county where the charge was brought, and must be
34 limited to consideration of whether:

- 35 (1) The charging officer had reasonable grounds to
36 believe that the person had violated the alcohol
37 concentration restriction;
38 (2) The person was notified of the person's rights as
39 required by G.S. 20-16.2(a);
40 (3) The drivers license of the person had an alcohol
41 concentration restriction; and
42 (4) The person submitted to a chemical analysis upon
43 the request of the charging officer, and the
44 analysis revealed an alcohol concentration in

1 excess of the restriction on the person's drivers
2 license.

3 If the Division finds that the conditions specified in this
4 subsection are met, it must order the revocation sustained. If
5 the Division finds that any of the conditions (1), (2), (3), or
6 (4) is not met, it must rescind the revocation. If the
7 revocation is sustained, the person must surrender the person's
8 license immediately upon notification by the Division.

9 (c6) Appeal to Court. -- There is no right to appeal the
10 decision of the Division. However, if the person properly
11 requested a hearing before the Division under subsection (c5) and
12 the Division held such a hearing, the person may within 30 days
13 of the date the Division's decision is mailed to the person,
14 petition the Superior Court of the county in which the hearing
15 took place for discretionary review on the record of the
16 revocation. The Superior Court may stay the imposition of the
17 revocation only if the Court finds that the person is likely to
18 succeed on the merits of the case and will suffer irreparable
19 harm if such a stay is not granted. The stay shall not exceed 30
20 days. The reviewing court shall review the record only and shall
21 be limited to determining if the Division hearing officer
22 followed proper procedures and if the hearing officer made
23 sufficient findings of fact to support the revocation. There
24 shall be no further appeal.

25 (d) When a person's license is revoked under subdivision (2)
26 of G.S. 20-17 and the person has another offense involving
27 impaired driving for which he has been convicted, which offense
28 occurred within three years immediately preceding the date of the
29 offense for which his license is being revoked, the period of
30 revocation is four years, and this period may be reduced only as
31 provided in this section. The Division may conditionally restore
32 the person's license after it has been revoked for at least two
33 years under this subsection if he provides the Division with
34 satisfactory proof that:

- 35 (1) He has not in the period of revocation been
36 convicted in North Carolina or any other state or
37 federal jurisdiction of a motor vehicle offense, an
38 alcoholic beverage control law offense, a drug law
39 offense, or any other criminal offense involving
40 the possession or consumption of alcohol or drugs;
41 and
42 (2) He is not currently an excessive user of alcohol or
43 drugs.

1 If the Division restores the person's license, it may place
2 reasonable conditions or restrictions on the person for the
3 duration of the original revocation period.

4 (e) When a person's license is revoked under subdivision (2)
5 of G.S. 20-17 and the person has two or more previous offenses
6 involving impaired driving for which he has been convicted, and
7 the most recent offense occurred within the five years
8 immediately preceding the date of the offense for which his
9 license is being revoked, the revocation is permanent. The
10 Division may, however, conditionally restore the person's license
11 after it has been revoked for at least three years under this
12 subsection if he provides the Division with satisfactory proof
13 that:

14 (1) In the three years immediately preceding the
15 person's application for a restored license, he has
16 not been convicted in North Carolina or in any
17 other state or federal court of a motor vehicle
18 offense, an alcohol beverage control law offense, a
19 drug law offense, or any criminal offense involving
20 the consumption of alcohol or drugs; and

21 (2) He is not currently an excessive user of alcohol or
22 drugs.

23 If the Division restores the person's license, it may place
24 reasonable conditions or restrictions on the person for any
25 period up to three years from the date of restoration.

26 (f) When a license is revoked under any other provision of
27 this Article which does not specifically provide a period of
28 revocation, the period of revocation shall be one year.

29 (g) When a license is suspended under subdivision (11) of G.S.
30 20-16(a), the period of suspension shall be for a period of time
31 not in excess of the period of nonoperation imposed by the court
32 as a condition of the suspended sentence; further, in such case,
33 it shall not be necessary to comply with the Motor Vehicle Safety
34 and Financial Responsibility Act in order to have such license
35 returned at the expiration of the suspension period.

36 (g1) When a license is revoked under subdivision (12) of G.S.
37 20-17, the period of revocation is six months for conviction of a
38 second offense and one year for conviction of a third or
39 subsequent offense.

40 (h) Repealed by Session Laws 1983, c. 435, s. 17.

41 (i) When a person's license is revoked under subdivision (1)
42 or (9) of G.S. 20-17 and the offense is one involving impaired
43 driving, the revocation is permanent. The Division may, however,
44 conditionally restore the person's license after it has been

1 revoked for at least three years in accordance with the procedure
2 in subsection (e) of this section.

3 (j) The Division is authorized to issue amended revocation
4 orders issued under subsections (d) and (e), if necessary because
5 convictions do not respectively occur in the same order as
6 offenses for which the license may be revoked under those
7 subsections.

8 (k) Before the Division restores a driver's license that has
9 been suspended or revoked under any provision of this Article,
10 other than G.S. 20-24.1, the person seeking to have his driver's
11 license restored shall submit to the Division proof that he has
12 notified his insurance agent or company of his seeking the
13 restoration and that he is financially responsible. Proof of
14 financial responsibility shall be in one of the following forms:

15 (1) A written certificate or electronically-transmitted
16 facsimile thereof from any insurance carrier duly
17 authorized to do business in this State certifying
18 that there is in effect a nonfleet private
19 passenger motor vehicle liability policy for the
20 benefit of the person required to furnish proof of
21 financial responsibility. The certificate or
22 facsimile shall state the effective date and
23 expiration date of the nonfleet private passenger
24 motor vehicle liability policy and shall state the
25 date that the certificate or facsimile is issued.
26 The certificate or facsimile shall remain effective
27 proof of financial responsibility for a period of
28 30 consecutive days following the date the
29 certificate or facsimile is issued but shall not in
30 and of itself constitute a binder or policy of
31 insurance or

32 (2) A binder for or policy of nonfleet private
33 passenger motor vehicle liability insurance under
34 which the applicant is insured, provided that the
35 binder or policy states the effective date and
36 expiration date of the nonfleet private passenger
37 motor vehicle liability policy.

38 The preceding provisions of this subsection do not apply to
39 applicants who do not own currently registered motor vehicles and
40 who do not operate nonfleet private passenger motor vehicles that
41 are owned by other persons and that are not insured under
42 commercial motor vehicle liability insurance policies. In such
43 cases, the applicant shall sign a written certificate to that
44 effect. Such certificate shall be furnished by the Division and

1 may be incorporated into the restoration application form. Any
2 material misrepresentation made by such person on such
3 certificate shall be grounds for suspension of that person's
4 license for a period of 90 days.

5 For the purposes of this subsection, the term "nonfleet private
6 passenger motor vehicle" has the definition ascribed to it in
7 Article 40 of General Statute Chapter 58.

8 The Commissioner may require that certificates required by this
9 subsection be on a form approved by the Commissioner. The
10 financial responsibility required by this subsection shall be
11 kept in effect for not less than three years after the date that
12 the license is restored. Failure to maintain financial
13 responsibility as required by this subsection shall be grounds
14 for suspending the restored driver's license for a period of
15 thirty (30) days. Nothing in this subsection precludes any person
16 from showing proof of financial responsibility in any other
17 manner authorized by Articles 9A and 13 of this Chapter."

18

19 PART II. IGNITION INTERLOCK

20 Section 3. Article 2 of Chapter 20 of the General
21 Statutes is amended by adding a new section to read:

22 "§ 20-17.7. Restoration of a license after certain driving while
23 impaired convictions; ignition interlock.

24 (a) Scope. -- This section applies to a person whose license
25 was revoked as a result of a conviction of driving while
26 impaired, G.S. 20-138.1, and:

27 (1) The person had an alcohol concentration of 0.16 or
28 more; or

29 (2) The person has been convicted of another offense
30 involving impaired driving, which offense occurred
31 within seven years immediately preceding the date
32 of the offense for which the person's license has
33 been revoked.

34 (b) Ignition Interlock Required. -- When the Division restores
35 the license of a person who is subject to this section, in
36 addition to any other restriction or condition, it shall require
37 the person to agree to and shall indicate on the person's drivers
38 license the following restrictions for the period designated in
39 subsection (c):

40 (1) A restriction that the person may operate only a
41 vehicle that is equipped with a functioning
42 ignition interlock system of a type approved by the
43 Commissioner. The Commissioner shall not
44 unreasonably withhold approval of an ignition

- 1 interlock system and shall consult with the
2 Division of Purchase and Contract in the Department
3 of Administration to ensure that potential vendors
4 are not discriminated against.
- 5 (2) A requirement that the person personally activate
6 the ignition interlock system before driving the
7 motor vehicle.
- 8 (3) A requirement that the person not drive with an
9 alcohol concentration of 0.01 or greater.
- 10 (c) Length of Requirement. -- The requirements of subsection
11 (b) shall remain in effect for:
- 12 (1) One year from the date of restoration if the
13 original revocation period was one year;
- 14 (2) Three years from the date of restoration if the
15 original revocation period was four years; or
- 16 (3) Seven years from the date of restoration if the
17 original revocation was a permanent revocation.
- 18 (d) Effect of Limited Driving Privileges. -- If the person was
19 eligible for and received a limited driving privilege under G.S.
20 20-179.3, with the ignition interlock requirement contained in
21 G.S. 20-179.3(g5), the period of time for which that limited
22 driving privilege was held shall be applied towards the
23 requirements of subsection(c).
- 24 (e) Notice of Requirement. -- When a court reports to the
25 Division a conviction of a person who is subject to this section,
26 the Division must send the person written notice of the
27 requirements of this section and of the consequences of failing
28 to comply with these requirements. The notification must include
29 a statement that the person may contact the Division for
30 information on obtaining and having installed an ignition
31 interlock system of a type approved by the Commissioner.
- 32 (f) Effect of Violation of Restriction. -- A person subject to
33 this section who violates any of the restrictions of this section
34 commits the offense of driving while license revoked under G.S.
35 20-28(a) and is subject to punishment and license revocation as
36 provided in that section. If a law enforcement officer has
37 reasonable grounds to believe that a person subject to this
38 section has consumed alcohol while driving or has driven while he
39 has remaining in his body any alcohol previously consumed, the
40 suspected offense of driving while license is revoked is an
41 alcohol-related offense subject to the implied-consent provisions
42 of G.S. 20-16.2. If a person subject to this section is charged
43 with driving while license revoked by violating a condition of
44 subsection (b) of this section, and a judicial official

1 determines that there is probable cause for the charge, the
2 person's license is suspended pending the resolution of the case,
3 and the judicial official must require the person to surrender
4 the license. The judicial official must also notify the person
5 that he is not entitled to drive until his case is resolved. An
6 alcohol concentration report from the ignition interlock system
7 shall not be admissible as evidence of driving while license
8 revoked, but may be used in an administrative revocation
9 proceeding as provided in subsection (g) of this section.

10 (g) Effect of Violation of Restriction When Driving While
11 License Revoked not Charged. -- A person subject to this section
12 who violates any of the restrictions of this section, but is not
13 charged or convicted of driving while license revoked pursuant to
14 G.S. 20-28(a), shall have the person's license revoked by the
15 Division for a period of one year. An alcohol concentration
16 report from the ignition interlock system indicating an alcohol
17 concentration of 0.01 or greater is sufficient evidence for
18 revocation under this subsection.

19 (h) Beginning of Revocation Period. -- If the original period
20 of revocation was imposed pursuant to G.S. 20-19(d) or (e), any
21 remaining period of the original revocation, prior to its
22 reduction, shall be reinstated and the revocation required by
23 subsection (f) or (g) of this section begins after all other
24 periods of revocation have terminated.

25 (i) Notification of Revocation. -- If the person's license has
26 not already been surrendered to the court, the Division must
27 expeditiously notify the person that the person's license to
28 drive is revoked pursuant to subsection (f) or (g) of this
29 section effective on the tenth calendar day after the mailing of
30 the revocation order.

31 (j) Right to Hearing Before Division; Issues. -- If the
32 person's license is revoked pursuant to subsection (g) of this
33 section, before the effective date of the order issued under
34 subsection (i) of this section, the person may request in writing
35 a hearing before the Division. Except for the time referred to
36 in G.S. 20-16.5, if the person shows to the satisfaction of the
37 Division that the person's license was surrendered to the court
38 and remained in the court's possession, then the Division shall
39 credit the amount of time for which the license was in the
40 possession of the court against the revocation period required by
41 subsection (g) of this section. If the person properly requests
42 a hearing, the person retains the person's license, unless it is
43 revoked under some other provision of law, until the hearing is
44 held, the person withdraws the request, or the person fails to

1 appear at a scheduled hearing. The hearing officer may subpoena
2 any witnesses or documents that the hearing officer deems
3 necessary. The person may request the hearing officer to
4 subpoena the charging officer, the chemical analyst, or both to
5 appear at the hearing if the person makes the request in writing
6 at least three days before the hearing. The person may subpoena
7 any other witness whom the person deems necessary, and the
8 provision of G.S. 1A-1, Rule 45, apply to the issuance and
9 service of all subpoenas issued under the authority of this
10 section. The hearing officer is authorized to administer oaths
11 to witnesses appearing at the hearing. The hearing must be
12 conducted in the county where the charge was brought, and must be
13 limited to consideration of whether:

14 (1) The drivers license of the person had an ignition
15 interlock requirement; and

16 (2) The person:

17 a. Was driving a vehicle that was not equipped
18 with a functioning ignition interlock system;

19 or

20 b. Did not personally activate the ignition
21 interlock system before driving the vehicle;

22 or

23 c. Drove the vehicle with an alcohol
24 concentration of 0.01 or greater.

25 If the Division finds that the conditions specified in this
26 subsection are met, it must order the revocation sustained. If
27 the Division finds that the condition of subdivision (1) is not
28 met, or that none of the conditions of subdivision (2) are met,
29 it must rescind the revocation. If the revocation is sustained,
30 the person must surrender the person's license immediately upon
31 notification by the Division. If the revocation is sustained,
32 the person may appeal the decision of the Division pursuant to
33 G.S. 20-25.

34 (k) Restoration After Violation. -- When the Division restores
35 the license of a person whose license was revoked pursuant to
36 subsection (f) or (g) of this section and the revocation occurred
37 prior to completion of time period required by subsection (c) of
38 this section, in addition to any other restriction or condition,
39 it shall require the person to comply with the conditions of
40 subsection (b) of this section until the person has complied with
41 those conditions for the cumulative period of time as set forth
42 in subsection (c) of this section. The period of time for which
43 the person successfully complied with subsection (b) of this
44 section prior to revocation pursuant to subsection (f) or (g) of

1 this section shall be applied towards the requirements of
2 subsection (c) of this section."

3 Section 4. G.S. 20-179.3 is amended by adding a new
4 subsection to read:

5 "(g5) Ignition Interlock Required. -- If a person's drivers
6 license is revoked for a conviction of G.S. 20-138.1, and the
7 person had an alcohol concentration of 0.16 or more, a judge
8 shall include all of the following in a limited driving privilege
9 order:

- 10 (1) A restriction that the applicant may operate only a
11 designated motor vehicle.
12 (2) A requirement that the designated motor vehicle be
13 equipped with a functioning ignition interlock
14 system of a type approved by the Commissioner. The
15 Commissioner shall not unreasonably withhold
16 approval of an ignition interlock system and shall
17 consult with the Division of Purchase and Contract
18 in the Department of Administration to ensure that
19 potential vendors are not discriminated against.
20 (3) A requirement that the applicant personally
21 activate the ignition interlock system before
22 driving the motor vehicle."

23 Section 5. G.S. 20-179.3(g4) reads as rewritten:

24 "(g4) The restrictions set forth in subsection (g3) and (g5)
25 of this section do not apply to a motor vehicle that meets all of
26 the following requirements:

- 27 (1) Is owned by the applicant's employer.
28 (2) Is operated by the applicant solely for work-
29 related purposes.
30 (3) Its owner has filed with the court a written
31 document authorizing the applicant to drive the
32 vehicle, for work-related purposes, under the
33 authority of a limited driving privilege."

34

35 PART III. OPEN CONTAINER

36 Section 6. G.S. 18B-401 reads as rewritten:

37 "§ 18B-401. Manner of transportation.

38 (a) Opened Containers. -- It shall be unlawful for a person to
39 transport fortified wine or spirituous liquor in the passenger
40 area of a motor vehicle in other than the manufacturer's unopened
41 original container. ~~It shall be unlawful for a person who is~~
42 ~~driving a motor vehicle on a highway or public vehicular area to~~
43 ~~consume in the passenger area of that vehicle any malt beverage~~

1 ~~or unfortified wine.~~ Violation of this subsection shall
2 constitute a Class 3 misdemeanor.

3 (a) Transportation of an open container of malt beverage or
4 unfortified wine shall be governed by G.S. 20-138.7.

5 (b) Taxis. -- It shall be unlawful for a person operating a
6 for-hire passenger vehicle as defined in G.S. 20-4.01(27)b, to
7 transport fortified wine or spirituous liquor unless the vehicle
8 is transporting a paying passenger who owns the alcoholic
9 beverage being transported. Not more than eight liters of
10 fortified wine or spirituous liquor, or combination of the two,
11 may be transported by each passenger. A violation of this
12 subsection shall not be grounds for suspension of the driver's
13 license for illegal transportation of intoxicating liquors under
14 G.S. 20-16(a)(8).

15 (c) Definitions. -- The definitions in Chapter 20 of the
16 General Statutes apply in interpreting this section. If the seal
17 on a container of alcoholic beverages has been broken, it is
18 opened within the meaning of this section. For purposes of this
19 section, "passenger area of a motor vehicle" means the area
20 designed to seat the driver and passengers and any area within
21 the reach of a seated driver or passenger, including the glove
22 compartment. In the case of a station wagon, hatchback or
23 similar vehicle, the area behind the last upright back seat shall
24 not be considered part of the passenger area."

25 Section 7. G.S. 20-138.7 reads as rewritten:

26 "§ 20-138.7. Transporting an open container of alcoholic
27 beverage after consuming alcohol. beverage.

28 (a) Offense. -- No person shall drive a motor vehicle on a
29 highway or public vehicular area:

30 (1) While there is an alcoholic beverage other than in
31 the unopened manufacturer's original container in
32 the passenger area; and

33 (2) While the driver is consuming alcohol or while
34 alcohol remains in the driver's body.

35 (a1) Offense. -- No person shall drive a motor vehicle on a
36 highway or public vehicular area while there is an alcoholic
37 beverage other than in the unopened manufacturer's original
38 container in the passenger area.

39 (a2) Exception. -- If the driver is not consuming alcohol and
40 has no alcohol remaining in the driver's body, it shall not be a
41 violation of subsection (a1) for the driver to drive the motor
42 vehicle on a highway or public vehicular area while there is an
43 alcoholic beverage other than in the unopened manufacturer's
44 original container if the container is:

1 (1) In the passenger area of a motor vehicle designed,
2 maintained, or used primarily for the
3 transportation of persons for compensation; or

4 (2) In the living quarters of a house trailer, motor
5 home, or house car.

6 (b) Subject to Implied-Consent Law. -- An offense under this
7 section is an alcohol-related offense subject to the implied-
8 consent provisions of G.S. 20-16.2.

9 (c) Odor Insufficient. -- The odor of an alcoholic beverage on
10 the breath of the driver is insufficient evidence to prove beyond
11 a reasonable doubt that alcohol was remaining in the driver's
12 body in violation of this section, unless the driver was offered
13 an alcohol screening test or chemical analysis and refused to
14 provide all required samples of breath or blood for analysis.

15 (d) Alcohol Screening Test. -- Notwithstanding any other
16 provision of law, an alcohol screening test may be administered
17 to a driver suspected of violating subsection (a) of this
18 section, and the results of an alcohol screening test or the
19 driver's refusal to submit may be used by a law enforcement
20 officer, a court, or an administrative agency in determining if
21 alcohol was present in the driver's body. No alcohol screening
22 tests are valid under this section unless the device used is one
23 approved by the Commission for Health Services, and the screening
24 test is conducted in accordance with the applicable regulations
25 of the Commission as to the manner of its use.

26 (e) Punishment; Effect When Impaired Driving Offense Also
27 Charged. -- Violation of ~~this section~~ subsection (a) shall be
28 ~~punished as~~ a Class 3 misdemeanor for the first offense and shall
29 be ~~punished as~~ a Class 2 misdemeanor for a second or subsequent
30 offense. ~~A fine imposed for a second or subsequent offense may~~
31 ~~not exceed one thousand dollars (\$1,000).~~ Violation of ~~this~~
32 ~~section~~ subsection (a) is not a lesser included offense of
33 impaired driving under G.S. 20-138.1, but if a person is
34 convicted under ~~this section~~ subsection (a) and of an offense
35 involving impaired driving arising out of the same transaction,
36 the punishment imposed by the court shall not exceed the maximum
37 applicable to the offense involving impaired driving, and any
38 minimum applicable punishment shall be imposed. Violation of
39 subsection (a1) is a lesser included offense of subsection (a).
40 A violation of ~~this section~~ subsection (a) shall be considered a
41 moving violation for purposes of G.S. 20-16(c).

42 Violation of subsection (a1) shall be an infraction and shall
43 not be considered a moving violation for purposes of G.S. 20-
44 16(c).

1 (f) Definitions. -- If the seal on a container of alcoholic
2 beverages has been broken, it is opened within the meaning of
3 this section. For purposes of this section, "passenger area of a
4 motor vehicle" means the area designed to seat the driver and
5 passengers and any area within the reach of a seated driver or
6 passenger, including the glove compartment. The area of the trunk
7 or the area behind the last upright back seat of a station wagon,
8 hatchback, or similar vehicle shall not be considered part of the
9 passenger area. The term "alcoholic beverage" is as defined in
10 G.S. 18B-101(4).

11 (g) Pleading. -- In any prosecution for a violation of ~~this~~
12 ~~section, subsection (a),~~ the pleading is sufficient if it states
13 the time and place of the alleged offense in the usual form and
14 charges that the defendant drove a motor vehicle on a highway or
15 public vehicular area with an open container of alcoholic
16 beverage after drinking.

17 In any prosecution for a violation of subsection (a), the
18 pleading is sufficient if it states the time and place of the
19 alleged offense in the usual form and charges that the defendant
20 drove a motor vehicle on a highway or public vehicular area with
21 an open container of alcoholic beverage.

22 (h) Limited Driving Privilege. -- A person who is convicted of
23 violating subsection (a) of this section and whose drivers
24 license is revoked solely based on that conviction may apply for
25 a limited driving privilege as provided for in G.S. 20-179.3. The
26 judge may issue the limited driving privilege only if the driver
27 meets the eligibility requirements of G.S. 20-179.3, other than
28 the requirement in G.S. 20-179.3(b)(1)c. G.S. 20-179.3(e) shall
29 not apply. All other terms, conditions, and restrictions provided
30 for in G.S. 20-179.3 shall apply. G.S. 20-179.3, rather than this
31 subsection, governs the issuance of a limited driving privilege
32 to a person who is convicted of violating subsection (a) of this
33 section and of driving while impaired as a result of the same
34 transaction.

35 Section 8. G.S. 20-17(a)(12) reads as rewritten:

36 "(12) A second or subsequent conviction of
37 transporting an open container of alcoholic
38 beverage under ~~G.S. 20-138.7~~ G.S. 20-
39 138.7(a).
40

41 PART IV. HGN TEST ADMISSIBILITY

42 Section 9. Chapter 8 of the General Statutes is amended
43 by adding a new section which reads:

44 "§ 8-50.3. Results of Horizontal Gaze Nystagmus; admissibility.

1 (a) The results of the Horizontal Gaze Nystagmus (HGN) test are
2 admissible as evidence of a person's impairment by an impairing
3 substance in any criminal, civil, or administrative proceeding
4 and for the purpose of corroborating the opinion of a person as
5 to another's mental or physical impairment from an impairing
6 substance.

7 (b) Notwithstanding the provisions of subsection (a) of this
8 section, the results of a HGN test are not admissible in any
9 proceeding unless it is found that the person administering the
10 HGN test (i) had received training in administering the HGN test
11 prior to conducting the HGN test for which admission of the test
12 results is sought and (ii) had followed the training in
13 administering the HGN test for which admission of the test
14 results is sought.

15 (c) Nothing contained herein shall prohibit a court from
16 admitting the HGN test into evidence for any purpose when a
17 proper foundation has been established in accordance with the
18 rules of evidence."

19

20 PART V. LIMITED DRIVING PRIVILEGE ALCOSENSOR ADMISSIBILITY

21 Section 10. G.S. 20-179.3(j) reads as rewritten:

22 "(j) Effect of Violation of Restriction. -- A holder of a
23 limited driving privilege who violates any of its restrictions
24 commits the offense of driving while his license is revoked under
25 G.S. 20-28(a) and is subject to punishment and license revocation
26 as provided in that section. If a law-enforcement officer has
27 reasonable grounds to believe that the holder of a limited
28 driving privilege has consumed alcohol while driving or has
29 driven while he has remaining in his body any alcohol previously
30 consumed, the suspected offense of driving while license is
31 revoked is an alcohol-related offense subject to the implied-
32 consent provisions of G.S. 20-16.2. If a holder of a limited
33 driving privilege is charged with driving while license revoked
34 by violating a restriction contained in his limited driving
35 privilege, and a judicial official determines that there is
36 probable cause for the charge, the limited driving privilege is
37 suspended pending the resolution of the case, and the judicial
38 official must require the holder to surrender the limited driving
39 privilege. The judicial official must also notify the holder that
40 he is not entitled to drive until his case is resolved.

41 Notwithstanding any other provision of law, an alcohol
42 screening test may be administered to a driver suspected of
43 violating this section, and the results of an alcohol screening
44 test or the driver's refusal to submit may be used by a law

1 enforcement officer, a court, or an administrative agency in
2 determining if alcohol was present in the driver's body. No
3 alcohol screening tests are valid under this section unless the
4 device used is one approved by the Commission for Health
5 Services, and the screening test is conducted in accordance with
6 the applicable regulations of the Commission as to the manner of
7 its use."

8

9 PART VI. INCREASE PUNISHMENT FOR 19- OR 20-YEAR OLD PURCHASE OR
10 POSSESSION OF ALCOHOLIC BEVERAGES

11 Section 11. G.S. 18B-302(i) reads as rewritten:

12 "(i) Purchase or Possession by 19 or 20-Year Old. -- A
13 violation of subdivision (b)(1) of this section by a person who
14 is 19 or 20 years old is ~~an infraction and is punishable by a~~
15 ~~fine of not more than twenty five dollars (\$25.00). An~~
16 ~~infraction is an unlawful act that is not a crime. The procedure~~
17 ~~for charging and trying an infraction is the same as for a~~
18 ~~misdemeanor, but conviction of an infraction has no consequence~~
19 ~~other than payment of a fine. A person convicted of an~~
20 ~~infraction may not be assessed court costs. a Class 3~~
21 misdemeanor."

22 Section 12. G.S. 15A-145 reads as rewritten:

23 "§ 15A-145. Expunction of records for first offenders under the
24 age of 18 at the time of conviction of ~~misdemeanor.~~ misdemeanor;
25 expunction of certain other misdemeanors.

26 (a) Whenever any person who has (i) not yet attained the age of
27 18 years and has not previously been convicted of any felony, or
28 misdemeanor other than a traffic violation, under the laws of the
29 United States, the laws of this State or any other state, pleads
30 guilty to or is guilty of a misdemeanor other than a traffic
31 violation, or (ii) not yet attained the age of 21 years and has
32 not previously been convicted of any felony, or misdemeanor other
33 than a traffic violation, under the laws of the United States,
34 the laws of this State or any other state, pleads guilty to or is
35 guilty of a misdemeanor possession of alcohol pursuant to G.S.
36 18B-302(b)(1), he may file a petition in the court where he was
37 convicted for expunction of the misdemeanor from his criminal
38 record. The petition cannot be filed earlier than two years after
39 the date of the conviction or any period of probation, whichever
40 occurs later, and the petition shall contain, but not be limited
41 to, the following:

42 (1) An affidavit by the petitioner that he has been of
43 good behavior for the two-year period since the
44 date of conviction of the misdemeanor in question

- 1 and has not been convicted of any felony, or
2 misdemeanor in question and has not been convicted
3 of any felony, or misdemeanor other than a traffic
4 violation, under the laws of the United States or
5 the laws of this State or any other state.
- 6 (2) Verified affidavits of two persons who are not
7 related to the petitioner or to each other by blood
8 or marriage, that they know the character and
9 reputation of the petitioner in the community in
10 which he lives and that his character and
11 reputation are good.
- 12 (3) A statement that the petition is a motion in the
13 cause in the case wherein the petitioner was
14 convicted.
- 15 (4) Affidavits of the clerk of superior court, chief of
16 police, where appropriate, and sheriff of the
17 county in which the petitioner was convicted and,
18 if different, the county of which the petitioner is
19 a resident, showing that the petitioner has not
20 been convicted of a felony or misdemeanor other
21 than a traffic violation under the laws of this
22 State at any time prior to the conviction for the
23 misdemeanor in question or during the two-year
24 period following that conviction.
- 25 The petition shall be served upon the district attorney of the
26 court wherein the case was tried resulting in conviction. The
27 district attorney shall have 10 days thereafter in which to file
28 any objection thereto and shall be duly notified as to the date
29 of the hearing of the petition.
- 30 The judge to whom the petition is presented is authorized to
31 call upon a probation officer for any additional investigation or
32 verification of the petitioner's conduct during the two-year
33 period that he deems desirable.
- 34 (b) If the court, after hearing, finds that the petitioner had
35 remained of good behavior and been free of conviction of any
36 felony or misdemeanor, other than a traffic violation, for two
37 years from the date of conviction of the misdemeanor in question,
38 and (i) petitioner was not 18 years old at the time of the
39 conviction in question, or (ii) petitioner was not 21 years old
40 at the time of the conviction of possession of alcohol pursuant
41 to G.S. 18B-302(b)(1), it shall order that such person be
42 restored, in the contemplation of the law, to the status he
43 occupied before such arrest or indictment or information. No
44 person as to whom such order has been entered shall be held

1 thereafter under any provision of any laws to be guilty of
2 perjury or otherwise giving a false statement by reason of his
3 failure to recite or acknowledge such arrest, or indictment,
4 information, or trial, or response to any inquiry made of him for
5 any purpose.

6 (c) The court shall also order that the said misdemeanor
7 conviction be expunged from the records of the court, and direct
8 all law-enforcement agencies bearing record of the same to
9 expunge their records of the conviction. The clerk shall forward
10 a certified copy of the order to the sheriff, chief of police, or
11 other arresting agency. The sheriff, chief or head of such other
12 arresting agency shall then transmit the copy of the order with a
13 form supplied by the State Bureau of Investigation to the State
14 Bureau of Investigation, and the State Bureau of Investigation
15 shall forward the order to the Federal Bureau of Investigation.
16 The cost of expunging such records shall be taxed against the
17 petitioner.

18 (d) The clerk of superior court in each county in North
19 Carolina shall, as soon as practicable after each term of court
20 in his county, file with the Administrative Office of the Courts
21 the names of those persons granted a discharge under the
22 provisions of this section, and the Administrative Office of the
23 Courts, the names of those persons granted a discharge under the
24 provisions of this section, and the Administrative Office of the
25 Courts shall maintain a confidential file containing the names of
26 persons granted conditional discharges. The information contained
27 in such file shall be disclosed only to judges of the General
28 Court of Justice of North Carolina for the purpose of
29 ascertaining whether any person charged with an offense has been
30 previously granted a discharge."

31 Section 13. G.S. 15A-146(a) reads as rewritten:

32 "(a) If any person is charged with a crime, either a
33 misdemeanor or a felony, or ~~is~~ was charged with an infraction
34 under ~~G.S. 18B-302(i)~~, G.S. 18B-302(i) prior to December 1, 1999,
35 and the charge is dismissed, or a finding of not guilty or not
36 responsible is entered, that person may apply to the court of the
37 county where the charge was brought for an order to expunge from
38 all official records any entries relating to his apprehension or
39 trial. The court shall hold a hearing on the application and,
40 upon finding that the person had not previously received an
41 expungement and that the person had not previously been convicted
42 of any felony under the laws of the United States, this State, or
43 any other state, the court shall order the expunction. No person
44 as to whom such an order has been entered shall be held

1 thereafter under any provision of any law to be guilty of
2 perjury, or to be guilty of otherwise giving a false statement or
3 response to any inquiry made for any purpose, by reason of his
4 failure to recite or acknowledge any expunged entries concerning
5 apprehension or trial."

6

7 PART VII. OTHER DWI CHANGES

8 Section 14. G.S. 20-16.2(i) reads as rewritten:

9 "§ 20-16.2. Implied consent to chemical analysis; mandatory
10 revocation of license in event of refusal; right of driver to
11 request analysis.

12 (i) Right to Chemical Analysis before Arrest or Charge. -- A
13 person stopped or questioned by a law-enforcement officer who is
14 investigating whether the person may have committed an implied-
15 consent offense may request the administration of a chemical
16 analysis before any arrest or other charge is made for the
17 offense. Upon this request, the officer shall afford the person
18 the opportunity to have a chemical analysis of his or her breath,
19 if available, in accordance with the procedures required by G.S.
20 20-139.1(b). The request constitutes the person's consent to be
21 transported by the law-enforcement officer to the place where the
22 chemical analysis is to be administered. Before the chemical
23 analysis is made, the person shall confirm the request in writing
24 and shall be notified:

- 25 (1) That the test results will be admissible in
26 evidence and may be used against the person in any
27 implied-consent offense that may arise;
- 28 (2) That the person's license will be revoked for at
29 least 30 days if:
- 30 a. The test reveals an alcohol concentration of
31 0.08 or more; or
- 32 b. The person was driving a commercial motor
33 vehicle and the test results reveal an alcohol
34 concentration of 0.04 or ~~more~~ more; or
- 35 c. The person is under 21 years of age and the
36 test reveals any alcohol concentration.
- 37 (3) That if the person fails to comply fully with the
38 test procedures, the officer may charge the person
39 with any offense for which the officer has probable
40 cause, and if the person is charged with an
41 implied-consent offense, the person's refusal to
42 submit to the testing required as a result of that
43 charge would result in revocation of the person's
44 driver's license. The results of the chemical

1 analysis are admissible in evidence in any
2 proceeding in which they are relevant."

3 Section 15. G.S. 20-28.2(a) reads as rewritten:

4 "§ 20-28.2. Forfeiture of motor vehicle for impaired driving
5 after impaired driving license revocation.

6 (a) Meaning of "Impaired Driving License Revocation". -- The
7 revocation of a person's drivers license is an impaired driving
8 license revocation if the revocation is pursuant to:

- 9 (1) G.S. 20-13.2, 20-16(a)(8b), 20-16.2, 20-16.5, 20-
10 17(a)(2), 20-17(a)(12), 20-17.2, or 20-138.5; or
11 (2) G.S. 20-16(a)(7), 20-17(a)(1), 20-17(a)(3), 20-
12 17(a)(9), or 20-17(a)(11), if the offense involves
13 impaired driving, driving; or
14 (3) The laws of another state and the offense for which
15 the person's license is revoked prohibits
16 substantially similar conduct which if committed in
17 this state would result in a revocation listed in
18 subdivisions (1) or (2)."

19 Section 16. G.S. 20-28.2(e) reads as rewritten:

20 "(e) Release of Vehicle to Innocent Motor Vehicle Owner. -- At
21 a forfeiture hearing, if a nondefendant motor vehicle owner
22 establishes by the greater weight of the evidence that: (i) the
23 motor vehicle was being driven by a person who was not the only
24 motor vehicle owner or had no ownership interest in the motor
25 vehicle at the time of the underlying offense and (ii) the
26 petitioner is an "innocent owner", as defined by this section, a
27 judge shall order the motor vehicle released to that owner,
28 conditioned upon payment of all towing and storage charges
29 incurred as a result of the seizure and impoundment of the motor
30 vehicle.

31 Release to an innocent owner shall only be ordered upon
32 satisfactory proof of:

- 33 (1) The identity of the person as a motor vehicle
34 owner;
35 (2) The existence of financial responsibility to the
36 extent required by Article 13 of this ~~Chapter;~~
37 Chapter or by the laws of the state in which the
38 vehicle is registered; and
39 (3) Repealed by Session Laws 1998-182, s. 2.
40 (4) The execution of an acknowledgment as defined in
41 subdivision (a1)(1) of this section.

42 If the nondefendant owner is a lessor, the release shall also
43 be conditioned upon the lessor agreeing not to sell, give, or
44 otherwise transfer possession of the forfeited motor vehicle to

1 the defendant or any person acting on the defendant's behalf. A
2 lessor who refuses to sell, give, or transfer possession of a
3 seized motor vehicle to the defendant or any person acting on the
4 behalf of the defendant shall not be liable for damages arising
5 out of the refusal.

6 No motor vehicle subject to forfeiture under this section shall
7 be released to a nondefendant motor vehicle owner if the records
8 of the Division indicate the motor vehicle owner had previously
9 signed an acknowledgment, as required by this section, and the
10 same person was operating the motor vehicle while that person's
11 license was revoked unless the innocent owner shows by the
12 greater weight of the evidence that the motor vehicle owner has
13 taken all reasonable precautions to prevent the use of the motor
14 vehicle by this particular person and immediately reports, upon
15 discovery, any unauthorized use to the appropriate law
16 enforcement agency. A determination by the court at the
17 forfeiture hearing held pursuant to subsection (d) of this
18 section that the petitioner is not an innocent owner is a final
19 judgment and is immediately appealable to the Court of Appeals."

20 Section 17. G.S. 20-16.5(e) reads as rewritten:

21 "(e) Procedure if Report Filed with Judicial Official When
22 Person Is Present. -- If a properly executed revocation report
23 concerning a person is filed with a judicial official when the
24 person is present before that official, the judicial official
25 shall, after completing any other proceedings involving the
26 person, determine whether there is probable cause to believe that
27 each of the conditions of subsection (b) has been met. If he
28 determines that there is such probable cause, he shall enter an
29 order revoking the person's driver's license for the period
30 required in this subsection. The judicial official shall order
31 the person to surrender his license and if necessary may order a
32 law-enforcement officer to seize the license. The judicial
33 official shall give the person a copy of the revocation order. In
34 addition to setting it out in the order the judicial official
35 shall personally inform the person of his right to a hearing as
36 specified in subsection (g), and that his license remains revoked
37 pending the hearing. The revocation under this subsection begins
38 at the time the revocation order is issued and continues until
39 the person's license ~~has been revoked~~ has been surrendered for
40 the period specified in this subsection, and the person has paid
41 the applicable costs. The period of revocation is 30 days, if
42 there are no pending offenses for which the person's license had
43 been or is revoked under this section. If at the time of the
44 current offense, the person has one or more pending offenses for

1 which his license had been or is revoked under this section, the
2 revocation shall remain in effect until a final judgment,
3 including all appeals, has been entered for the current offense
4 and for all pending offenses. In no event, may the period of
5 revocation under this subsection be less than 30 days. If within
6 five working days of the effective date of the order, the person
7 does not surrender his license or demonstrate that he is not
8 currently licensed, the clerk shall immediately issue a pick-up
9 order. The pick-up order shall be issued to a member of a local
10 law-enforcement agency if the charging officer was employed by
11 the agency at the time of the charge and the person resides in or
12 is present in the agency's territorial jurisdiction. In all other
13 cases, the pick-up order shall be issued to an officer or
14 inspector of the Division. A pick-up order issued pursuant to
15 this section is to be served in accordance with G.S. 20-29 as if
16 the order had been issued by the Division."

17 Section 18. G.S. 20-139.1(b3) reads as rewritten:

18 "(b3) Sequential Breath Tests Required. -- By January 1, 1985,
19 the regulations of the Commission for Health Services governing
20 the administration of chemical analyses of the breath shall
21 require the testing of at least duplicate sequential breath
22 samples. Those regulations must provide:

23 (1) A specification as to the minimum observation
24 period before collection of the first breath sample
25 and the time requirements as to collection of
26 second and subsequent samples.

27 (2) That the test results may only be used to prove a
28 person's particular alcohol concentration if:

29 a. The pair of readings employed are from
30 consecutively administered tests; and

31 b. The readings do not differ from each other by
32 an alcohol concentration greater than 0.02.

33 (3) That when a pair of analyses meets the requirements
34 of subdivision (2), only the lower of the two
35 readings may be used by the State as proof of a
36 person's alcohol concentration in any court or
37 administrative proceeding.

38 A person's ~~willful~~ refusal to give the sequential breath samples
39 necessary to constitute a valid chemical analysis is a ~~willful~~
40 refusal under G.S. 20-16.2(c).

41 A person's ~~willful~~ refusal to give the second or subsequent
42 breath sample shall make the result of the first breath sample,
43 or the result of the sample providing the lowest alcohol
44 concentration if more than one breath sample is provided,

1 admissible in any judicial or administrative hearing for any
2 relevant purpose, including the establishment that a person had a
3 particular alcohol concentration for conviction of an offense
4 involving impaired driving."

5 Section 19. G.S. 20-4.01(24a) reads as rewritten:

6 "(24a) Offense Involving Impaired Driving. -- Any of
7 the following offenses:

- 8 a. Impaired driving under G.S. 20-138.1.
9 b. Death by vehicle under G.S. 20-141.4 when
10 conviction is based upon impaired driving or a
11 substantially equivalent offense under
12 previous law.
13 c. First or second degree murder under G.S. 14-17
14 or involuntary manslaughter under G.S. 14-18
15 when conviction is based upon impaired driving
16 or a substantially equivalent offense under
17 previous law.
18 d. An offense committed in another jurisdiction
19 which prohibits substantially equivalent to
20 similar conduct prohibited by the offenses in
21 subparagraphs a through c. this subsection.
22 e. A repealed or superseded offense substantially
23 equivalent to impaired driving, including
24 offenses under former G.S. 20-138 or G.S. 20-
25 139.
26 f. Impaired driving in a commercial motor vehicle
27 under G.S. 20-138.2, except that convictions
28 of impaired driving under G.S. 20-138.1 and
29 G.S. 20-138.2 arising out of the same
30 transaction shall be considered a single
31 conviction of an offense involving impaired
32 driving for any purpose under this Chapter.
33 g. Habitual impaired driving under G.S. 20-138.5.
34 A conviction under former G.S. 20-140(c) is not
35 an offense involving impaired driving."

36 Section 20. G.S. 20-138.2A reads as rewritten:

37 "§ 20-138.2A. Operating a commercial vehicle after consuming
38 alcohol.

39 (a) Offense. -- A person commits the offense of operating a
40 commercial motor vehicle after consuming alcohol if the person
41 drives a commercial motor vehicle, as defined in G.S. 20-
42 4.01(3d)a. and b., upon any highway, any street, or any public
43 vehicular area within the State ~~after having consumed sufficient~~
44 ~~alcohol that the person has, at any relevant time after the~~

1 ~~driving, an alcohol concentration greater than 0.00 and less than~~
2 ~~0.04, while consuming alcohol or while alcohol remains in the~~
3 ~~person's body.~~

4 (b) Implied-Consent Offense. -- An offense under this section
5 is an implied-consent offense subject to the provisions of G.S.
6 20-16.2. The provisions of G.S. 20-139.1 shall apply to an
7 offense committed under this section.

8 (b1) Odor Insufficient. -- The odor of an alcoholic beverage
9 on the breath of the driver is insufficient evidence by itself to
10 prove beyond a reasonable doubt that alcohol was remaining in the
11 driver's body in violation of this section unless the driver was
12 offered an alcohol screening test or chemical analysis and
13 refused to provide all required samples of breath or blood for
14 analysis.

15 (b2) Alcohol Screening Test. -- Notwithstanding any other
16 provision of law, an alcohol screening test may be administered
17 to a driver suspected of violation of subsection (a) of this
18 section, and the results of an alcohol screening test or the
19 driver's refusal to submit may be used by a law enforcement
20 officer, a court, or an administrative agency in determining if
21 alcohol was present in the driver's body. No alcohol screening
22 tests are valid under this section unless the device used is one
23 approved by the Commission on Health Services, and the screening
24 test is conducted in accordance with the applicable regulations
25 of the Commission as to its manner and use.

26 (c) Punishment. -- Except as otherwise provided in this
27 subsection, a violation of the offense described in subsection
28 (a) of this section is a Class 3 misdemeanor and, notwithstanding
29 G.S. 15A-1340.23, is punishable by a penalty of one hundred
30 dollars (\$100.00). A second or subsequent violation of this
31 section is a misdemeanor punishable under G.S. 20-179. This
32 offense is a lesser included offense of impaired driving of a
33 commercial vehicle under G.S. 20-138.2.

34 (d) Second or Subsequent Conviction Defined. -- A conviction
35 for violating this offense is a second or subsequent conviction
36 if at the time of the current offense the person has a previous
37 conviction under this section, and the previous conviction
38 occurred in the seven years immediately preceding the date of the
39 current offense. This definition of second or subsequent
40 conviction also applies to G.S. 20-17(a)(13) and G.S. 20-
41 17.4(a)(6).

42 Section 21. G.S. 20-138.2B reads as rewritten:

43 "§ 20-138.2B. Operating a school bus, school activity bus, or
44 child care vehicle after consuming alcohol.

- 1 (a) Offense. -- A person commits the offense of operating a
2 school bus, school activity bus, or child care vehicle after
3 consuming alcohol if the person drives a school bus, school
4 activity bus, or child care vehicle upon any highway, any street,
5 or any public vehicular area within the State ~~after having~~
6 ~~consumed sufficient alcohol that the person has, at any relevant~~
7 ~~time after the driving, an alcohol concentration greater than~~
8 0.00, while consuming alcohol or while alcohol remains in the
9 person's body.
- 10 (b) Implied-Consent Offense. -- An offense under this section
11 is an implied-consent offense subject to the provisions of G.S.
12 20-16.2. The provisions of G.S. 20-139.1 shall apply to an
13 offense committed under this section.
- 14 (b1) Odor Insufficient. -- The odor of an alcoholic beverage
15 on the breath of the driver is insufficient evidence by itself to
16 prove beyond a reasonable doubt that alcohol was remaining in the
17 driver's body in violation of this section unless the driver was
18 offered an alcohol screening test or chemical analysis and
19 refused to provide all required samples of breath or blood for
20 analysis.
- 21 (b2) Alcohol Screening Test. -- Notwithstanding any other
22 provision of law, an alcohol screening test may be administered
23 to a driver suspected of violation of subsection (a) of this
24 section, and the results of an alcohol screening test or the
25 driver's refusal to submit may be used by a law enforcement
26 officer, a court, or an administrative agency in determining if
27 alcohol was present in the driver's body. No alcohol screening
28 tests are valid under this section unless the device used is one
29 approved by the Commission on Health Services, and the screening
30 test is conducted in accordance with the applicable regulations
31 of the Commission as to its manner and use.
- 32 (c) Punishment. -- Except as otherwise provided in this
33 subsection, a violation of the offense described in subsection
34 (a) of this section is a Class 3 misdemeanor and, notwithstanding
35 G.S. 15A-1340.23, is punishable by a penalty of one hundred
36 dollars (\$100.00). A second or subsequent violation of this
37 section is a misdemeanor punishable under G.S. 20-179. This
38 offense is a lesser included offense of impaired driving of a
39 commercial vehicle under G.S. 20-138.1.
- 40 (d) Second or Subsequent Conviction Defined. -- A conviction
41 for violating this offense is a second or subsequent conviction
42 if at the time of the current offense the person has a previous
43 conviction under this section, and the previous conviction
44 occurred in the seven years immediately preceding the date of the

1 current offense. This definition of second or subsequent
2 conviction also applies to G.S. 20-19(c2).

3 Section 22. G.S. 20-28.2(a1)(2) reads as rewritten:

4 "(2) Innocent Owner. -- A motor vehicle owner:

5 a. Who did not know and had no reason to know
6 that the defendant's drivers license was
7 revoked;

8 b. Who knew that the defendant's drivers license
9 was revoked, but the defendant drove the
10 vehicle without the person's expressed or
11 implied ~~permission; permission, and the owner~~
12 files a police report for unauthorized use of
13 the motor vehicle and agrees to prosecute the
14 unauthorized operator of the motor vehicle;

15 c. Whose vehicle was reported stolen;

16 ~~d. Who files a police report for unauthorized use~~
17 ~~of the motor vehicle and agrees to prosecute~~
18 ~~the unauthorized operator of the motor~~
19 ~~vehicle;~~

20 e. Who is in the business of renting vehicles,
21 ~~the driver~~ and the vehicle was driven by a
22 person who is not listed as an authorized
23 driver on the rental contract; or

24 f. Who is in the business of leasing motor
25 vehicles, who holds legal title to the motor
26 vehicle as a lessor at the time of seizure and
27 who has no actual knowledge of the revocation
28 of the lessee's drivers license at the time
29 the lease is entered."
30

31 PART VIII. EFFECTIVE DATE

32 Section 23. This act shall not be construed to obligate
33 the General Assembly to make any appropriation to implement the
34 provisions of this act.

35 Section 24. Parts I and II of this act become effective
36 July 1, 2000, and apply to offenses committed on or after that
37 date. The remainder of this act becomes effective December 1,
38 1999, and applies to offenses committed on or after that date.

**1999 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES**

The following report(s) from standing committee(s) is/are presented:

By Representative(s) **CULPEPPER** for the Committee on **RULES, CALENDAR AND OPERATIONS OF THE HOUSE.**

Committee Substitute for

H.B. 1135 A BILL TO BE ENTITLED AN ACT TO IMPLEMENT THE RECOMMENDATIONS OF THE GOVERNOR'S DWI TASK FORCE.

With a favorable report.

With a favorable report and recommendation that the bill be re-referred to the Committee on Appropriations Finance .

With a favorable report, as amended.

With a favorable report, as amended, and recommendation that the bill be re-referred to the Committee on Appropriations Finance .

With a favorable report as to committee substitute bill (# 2), unfavorable as to Committee Substitute Bill (# 1).

With a favorable report as to House committee substitute bill (#), which changes the title, unfavorable as to Senate committee substitute bill.

With an unfavorable report.

With recommendation that the House concur.

With recommendation that the House do not concur.

With recommendation that the House do not concur; request conferees.

With recommendation that the House concur; committee believes bill to be material.

With an unfavorable report, with a Minority Report attached.

Without prejudice.

With an indefinite postponement report.

With an indefinite postponement report, with a Minority Report attached.

With recommendation that it be adopted. (HOUSE RESOLUTION ONLY)

2/24/99

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1999

H

1

HOUSE JOINT RESOLUTION 1486

Sponsors: Representatives Womble; Adams, Braswell, Cunningham, Hardaway, Hensley, Luebke, McAllister, McCrary, Michaux, Oldham, Wainwright, and Yongue.

Referred to: Rules, Calendar and Operations of the House.

June 15, 1999

1 A JOINT RESOLUTION COMMEMORATING JUNETEENTH AND HONORING
2 THE MEMORY OF THE HUNDREDS OF THOUSANDS OF AFRICAN-
3 AMERICANS WHO WERE ENSLAVED IN THIS COUNTRY.

4 Whereas, on June 19, 1865, two and a half years after the Emancipation
5 Proclamation was signed by President Abraham Lincoln, news that slavery had been
6 abolished reached the state of Texas; and

7 Whereas, former slaves in Texas began to observe June 19 as the
8 anniversary of their emancipation and coined the term "Juneteenth"; and

9 Whereas, as these former slaves and their descendants began to migrate,
10 Juneteenth celebrations were held throughout the nation; and

11 Whereas, for more than 130 years, Juneteenth has been commemorated
12 annually and the number of people participating in the event has grown; and

13 Whereas, in 1998, the United States Senate passed a resolution
14 encouraging the annual observance of June 19 as Juneteenth Independence Day; and

15 Whereas, the historical significance of Juneteenth is worthy of recognition
16 and celebration; Now, therefore,

17 Be it resolved by the House of Representatives, the Senate concurring:

18 Section 1. The General Assembly honors the memory of the hundreds of
19 thousands of African-Americans who were enslaved in this country and encourages
20 the people of this State to actively participate in Juneteenth celebrations.

21 Section 2. This resolution is effective upon ratification.

**1999 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES**

The following report(s) from standing committee(s) is/are presented:

By Representative(s) **BILL CULPEPPER** for the Committee on **RULES, CALENDAR
AND OPERATIONS OF THE HOUSE.**

- Committee Substitute for
H.J.R. 1486 A JOINT RESOLUTION COMMEMORATING JUNETEENTH AND
HONORING THE MEMORY OF THE HUNDREDS OF THOUSANDS OF AFRICAN-
AMERICANS WHO WERE ENSLAVED IN THIS COUNTRY.
- With a favorable report.
- With a favorable report and recommendation that the bill be re-referred to the Committee on
Appropriations Finance .
- With a favorable report, as amended.
- With a favorable report, as amended, and recommendation that the bill be re-referred to the
Committee on Appropriations Finance .
- With a favorable report as to committee substitute bill (#), which changes the title,
unfavorable as to (original bill) (Committee Substitute Bill #), (and recommendation
that the committee substitute bill #) be re-referred to the Committee on .)
- With a favorable report as to House committee substitute bill (#), which changes
the title, unfavorable as to Senate committee substitute bill.
- With an unfavorable report.
- With recommendation that the House concur.
- With recommendation that the House do not concur.
- With recommendation that the House do not concur; request conferees.
- With recommendation that the House concur; committee believes bill to be material.
- With an unfavorable report, with a Minority Report attached.
- Without prejudice.
- With an indefinite postponement report.
- With an indefinite postponement report, with a Minority Report attached.
- With recommendation that it be adopted. (HOUSE RESOLUTION ONLY)

2/24/99

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1999

S

1

SENATE JOINT RESOLUTION 470

Sponsors: Senators Lee and Dalton.

Referred to: Rules and Operations of the Senate.

March 23, 1999

1 A JOINT RESOLUTION PROVIDING FOR A JOINT SESSION OF THE
2 GENERAL ASSEMBLY TO ACT ON A JOINT RESOLUTION PROVIDING
3 FOR CONFIRMATION OF THE APPOINTMENTS BY THE GOVERNOR OF
4 NEW MEMBERS TO THE STATE BOARD OF EDUCATION.

5 Whereas, under the provisions of the Constitution of North Carolina and
6 G.S. 115C-10, appointments by the Governor to membership on the State Board of
7 Education are subject to confirmation by the General Assembly in joint session; and

8 Whereas, vacancies have occurred on the State Board of Education; and

9 Whereas, the Governor has transmitted to the presiding officers of the
10 Senate and the House of Representatives the names of his appointees to fill the terms
11 of membership on the State Board of Education which expire March 31, 2007; Now,
12 therefore,

13 Be it resolved by the Senate, the House of Representatives concurring:

14 Section 1. Upon the call of the President Pro Tempore of the Senate and
15 the Speaker of the House of Representatives, the General Assembly shall meet in
16 joint session to act on a joint resolution providing for confirmation of the
17 appointments by the Governor of new members to the State Board of Education.

18 Section 2. This resolution is effective upon ratification.

**1999 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES**

The following report(s) from standing committee(s) is/are presented:

By Representative(s) **CULPEPPER** for the Committee on **RULES, CALENDAR AND OPERATIONS OF THE HOUSE.**

- Committee Substitute for
S.J.R. 470 A JOINT RESOLUTION PROVIDING FOR A JOINT SESSION OF THE
GENERAL ASSEMBLY TO ACT ON A JOINT RESOLUTION PROVIDING FOR
CONFIRMATION OF THE APPOINTMENTS BY THE GOVERNOR OF NEW
MEMBERS TO THE STATE BOARD OF EDUCATION.
- With a favorable report.
- With a favorable report and recommendation that the bill be re-referred to the Committee on
Appropriations Finance .
- With a favorable report, as amended.
- With a favorable report, as amended, and recommendation that the bill be re-referred to the
Committee on Appropriations Finance .
- With a favorable report as to committee substitute bill (#), which changes the title,
unfavorable as to (original bill) (Committee Substitute Bill #), (and recommendation
that the committee substitute bill #) be re-referred to the Committee on .)
- With a favorable report as to House committee substitute bill (#), which changes
the title, unfavorable as to Senate committee substitute bill.
- With an unfavorable report.
- With recommendation that the House concur.
- With recommendation that the House do not concur.
- With recommendation that the House do not concur; request conferees.
- With recommendation that the House concur; committee believes bill to be material.
- With an unfavorable report, with a Minority Report attached.
- Without prejudice.
- With an indefinite postponement report.
- With an indefinite postponement report, with a Minority Report attached.
- With recommendation that it be adopted. (HOUSE RESOLUTION ONLY)

2/24/99

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1999

S

2

SENATE BILL 812
Judiciary II Committee Substitute Adopted 4/22/99

Short Title: Alcoholic Beverage Sales.

(Public)

Sponsors:

Referred to:

April 12, 1999

1 A BILL TO BE ENTITLED
2 AN ACT TO REQUIRE THAT A FOOD OR RETAIL BUSINESS THAT HOLDS
3 AN ABC PERMIT AND IS LOCATED IN AN URBAN REDEVELOPMENT
4 AREA SHALL NOT HAVE ALCOHOLIC BEVERAGE SALES IN EXCESS OF
5 FIFTY PERCENT OF THE BUSINESS'S TOTAL ANNUAL SALES.
6 The General Assembly of North Carolina enacts:
7 Section 1. Article 3 of Chapter 18B of the General Statutes is amended
8 by adding a new section to read:
9 "§ 18B-309. Alcoholic beverage sales in Urban Redevelopment Areas.
10 A food business as defined in G.S. 18B-1000(3), a retail business as defined in G.S.
11 18B-1000(7), or an eating establishment as defined in G.S. 18B-1000(2) that holds an
12 ABC permit under this Chapter and is located in a part of a city that has been
13 designated as an Urban Redevelopment Area under Article 22 of Chapter 160A of
14 the General Statutes shall not have alcoholic beverage sales in excess of fifty percent
15 (50%) of the business's total annual sales. Upon request of a city, the Commission
16 shall investigate the total annual alcohol sales and total sales of a business as defined
17 in this section. The Commission shall report the results of such an investigation to
18 the city council, and the report shall contain only the percentage of annual alcohol
19 sales in proportion to the business's total annual sales. A city may request an
20 investigation of a particular business by the Commission only once in each calendar
21 year. These audits may be conducted by the Commission only upon the request of
22 the city council. Businesses covered by this section shall maintain full and accurate
23 monthly records of their finances, separately indicating each of the following:

1 (1) Amounts expended by the business for the purchase of alcoholic
2 beverages and the quantity of alcoholic beverages purchased;

3 (2) Amounts collected from the sale of alcoholic beverages sold; and

4 (3) Amounts collected from the sale of food, nonalcoholic beverages,
5 and all other items sold by the business.

6 Records of purchases of alcoholic beverages and sales of alcoholic beverages shall
7 be filed separate and apart from all other records maintained on the premises, and all
8 records related to alcoholic beverages, including original invoices, shall be
9 maintained on the premises for three years and shall be open for inspection and audit
10 pursuant to G.S. 18B-502."

11 Section 2. G.S. 18B-904(e) reads as rewritten:

12 "(e) Business or Location No Longer Suitable. --

13 (1) The Commission may suspend or revoke a permit issued by it if,
14 after compliance with the provisions of Chapter 150B of the
15 General Statutes, it finds that the location occupied by the
16 permittee is no longer a suitable place to hold ABC permits or that
17 the operation of the business with an ABC permit at that location
18 is detrimental to the neighborhood. No order revoking or
19 suspending an ABC permit pursuant to this section may be made
20 except upon substantial evidence admissible under G.S. 150B-
21 29(a).

22 (2) The Commission shall suspend or revoke a permit issued by it if a
23 permittee is in violation of G.S. 18B-309."

24 Section 3. This act is effective when it becomes law.

**1999 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES**

The following report(s) from standing committee(s) is/are presented:

By Representative(s) **BILL CULPEPPER** for the Committee on **RULES, CALENDAR
AND OPERATIONS OF THE HOUSE.**

- Committee Substitute for
S.B. 812 A BILL TO BE ENTITLED AN ACT TO REQUIRE THAT A FOOD OR
RETAIL BUSINESS THAT HOLDS AN ABC PERMIT AND IS LOCATED IN AN
URBAN REDEVELOPMENT AREA SHALL NOT HAVE ALCOHOLIC BEVERAGE
SALES IN EXCESS OF FIFTY PERCENT OF THE BUSINESS'S TOTAL ANNUAL
SALES.
- With a favorable report.
- With a favorable report and recommendation that the bill be re-referred to the Committee on
Appropriations Finance .
- With a favorable report, as amended.
- With a favorable report, as amended, and recommendation that the bill be re-referred to the
Committee on Appropriations Finance .
- With a favorable report as to committee substitute bill (#), which changes the title,
unfavorable as to (original bill) (Committee Substitute Bill #), (and recommendation
that the committee substitute bill #) be re-referred to the Committee on .)
- With a favorable report as to House committee substitute bill (#), which changes
the title, unfavorable as to Senate committee substitute bill.
- With an unfavorable report.
- With recommendation that the House concur.
- With recommendation that the House do not concur.
- With recommendation that the House do not concur; request conferees.
- With recommendation that the House concur; committee believes bill to be material.
- With an unfavorable report, with a Minority Report attached.
- Without prejudice.
- With an indefinite postponement report.
- With an indefinite postponement report, with a Minority Report attached.
- With recommendation that it be adopted. (HOUSE RESOLUTION ONLY)

2/24/99

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1999

H

1

HOUSE BILL 29

Short Title: Randolph County Local Act.

(Local)

Sponsors: Representative Culp.

Referred to: Rules, Calendar and Operations of the House.

February 4, 1999

- 1 A BILL TO BE ENTITLED
2 AN ACT RELATING TO RANDOLPH COUNTY.
3 The General Assembly of North Carolina enacts:
4 Section 1. This act relates to Randolph County only.
5 Section 2. This act is effective when it becomes law.

**1999 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES**

The following report(s) from standing committee(s) is/are presented:

By Representative(s) **CULPEPPER** for the Committee on **RULES, CALENDAR AND OPERATIONS OF THE HOUSE.**

Committee Substitute for

H.B. 29 A BILL TO BE ENTITLED AN ACT RELATING TO RANDOLPH COUNTY.

- With a favorable report.
- With a favorable report and recommendation that the bill be re-referred to the Committee on Appropriations Finance .
- With a favorable report, as amended.
- With a favorable report, as amended, and recommendation that the bill be re-referred to the Committee on Appropriations Finance .
- With a favorable report as to committee substitute bill (#), which changes the title, unfavorable as to (original bill) (Committee Substitute Bill #), (and recommendation that the committee substitute bill #) be re-referred to the Committee on .)
- With a favorable report as to House committee substitute bill (#), which changes the title, unfavorable as to Senate committee substitute bill.
- With an unfavorable report.
- With recommendation that the House concur.
- With recommendation that the House do not concur.
- With recommendation that the House do not concur; request conferees.
- With recommendation that the House concur; committee believes bill to be material.
- With an unfavorable report, with a Minority Report attached.
- Without prejudice.
- With an indefinite postponement report.
- With an indefinite postponement report, with a Minority Report attached.
- With recommendation that it be adopted. (HOUSE RESOLUTION ONLY)

2/24/99

FOR JOURNAL USE ONLY

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

____ The (committee substitute) bill/resolution (, as amended,) is (ordered engrossed and) re-referred to the Committee on _____.

____ The bill/resolution is re-referred to the Committee on _____.

____ On motion of (Rep. _____,) (the Chair,) the (committee substitute) bill/resolution is (ordered engrossed and) re-referred to the Committee on _____.

____ Pursuant to Rule 36(b), the (House)committee substitute bill (No. _____)/resolution is placed on the Calendar of _____. (The original bill) (House Committee Substitute Bill No. _____)/resolution is placed on the Unfavorable Calendar.

____ On motion of Rep. _____, (the rules are suspended) (Rule _____ is suspended) and the bill/resolution is placed on today's calendar. (for immediate consideration.)

____ On motion of Rep. _____, Committee Amendment No.(s) _____ is/are adopted (by EV _____).

____ On motion of Rep. _____, Committee Amendment No.(s) _____ is/are adopted (by EV _____).

____ Rep. _____ offers Amendment No. _____ which (is adopted.) (fails of adoption.) (by EV _____.) () This amendment changes the title.

____ The bill/resolution (, as amended,) passes its second reading (by following vote, _____ RC) (, by EV _____,) and (remains on the Calendar,) (and there being no objection is read a third time).

____ The bill/resolution (, as amended,) passes its third reading (by the following vote, _____ RC) (, by EV _____,) and is ordered
____ sent to the Senate.
____ without engrossment. _____ by Special message.
____ sent to the Senate for concurrence in
____ House amendment (s).
____ House committee substitute.
____ enrolled.

____ On motion of Rep. _____, the House concurs in the (material) Senate _____ (by the following vote, _____ RC) (, by EV _____,) and the bill is ordered enrolled.

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1999

H

1

HOUSE BILL 30

Short Title: City of Asheboro.

(Local)

Sponsors: Representative Culp.

Referred to: Rules, Calendar and Operations of the House.

February 4, 1999

- 1 A BILL TO BE ENTITLED
2 AN ACT RELATING TO THE CITY OF ASHEBORO.
3 The General Assembly of North Carolina enacts:
4 Section 1. This act relates to the City of Asheboro.
5 Section 2. This act is effective when it becomes law.

**1999 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES**

The following report(s) from standing committee(s) is/are presented:

By Representative(s) **CULPEPPER** for the Committee on **RULES, CALENDAR AND OPERATIONS OF THE HOUSE.**

Committee Substitute for

H.B. 30 A BILL TO BE ENTITLED AN ACT RELATING TO THE CITY OF ASHEBORO.

- With a favorable report.
- With a favorable report and recommendation that the bill be re-referred to the Committee on Appropriations Finance .
- With a favorable report, as amended.
- With a favorable report, as amended, and recommendation that the bill be re-referred to the Committee on Appropriations Finance .
- With a favorable report as to committee substitute bill (#), which changes the title, unfavorable as to (original bill) (Committee Substitute Bill #), (and recommendation that the committee substitute bill #) be re-referred to the Committee on .)
- With a favorable report as to House committee substitute bill (#), which changes the title, unfavorable as to Senate committee substitute bill.
- With an unfavorable report.
- With recommendation that the House concur.
- With recommendation that the House do not concur.
- With recommendation that the House do not concur; request conferees.
- With recommendation that the House concur; committee believes bill to be material.
- With an unfavorable report, with a Minority Report attached.
- Without prejudice.
- With an indefinite postponement report.
- With an indefinite postponement report, with a Minority Report attached.
- With recommendation that it be adopted. (HOUSE RESOLUTION ONLY)

2/24/99

FOR JOURNAL USE ONLY

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

____ The (committee substitute) bill/resolution (, as amended,) is (ordered engrossed and) re-referred to the Committee on _____.

____ The bill/resolution is re-referred to the Committee on _____.

____ On motion of (Rep. _____,) (the Chair,) the (committee substitute) bill/resolution is (ordered engrossed and) re-referred to the Committee on _____.

____ Pursuant to Rule 36(b), the (House)committee substitute bill (No. ____)/resolution is placed on the Calendar of _____. (The original bill) (House Committee Substitute Bill No. ____)/resolution is placed on the Unfavorable Calendar.

____ On motion of Rep. _____, (the rules are suspended) (Rule ____ is suspended) and the bill/resolution is placed on today's calendar. (for immediate consideration.)

____ On motion of Rep. _____, Committee Amendment No.(s) _____ is/are adopted (by EV _____).

____ On motion of Rep. _____, Committee Amendment No.(s) _____ is/are adopted (by EV _____).

____ Rep. _____ offers Amendment No. ____ which (is adopted.) (fails of adoption.) (by EV _____.) () This amendment changes the title.

____ The bill/resolution (, as amended,) passes its second reading (by following vote, ____ RC) (, by EV _____,) and (remains on the Calendar,) (and there being no objection is read a third time).

____ The bill/resolution (, as amended,) passes its third reading (by the following vote, ____ RC) (, by EV _____,) and is ordered
____ sent to the Senate.
____ without engrossment. ____ by Special message.
____ sent to the Senate for concurrence in
____ House amendment (s).
____ House committee substitute.
____ enrolled.

____ On motion of Rep. _____, the House concurs in the (material) Senate
____ (by the following vote, ____ RC) (, by EV _____,) and
the bill is ordered enrolled.

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 1999

H

1

HOUSE BILL 124

Short Title: 52nd House District Local Act.

(Local)

Sponsors: Representative Haire.

Referred to: Rules, Calendar and Operations of the House.

February 23, 1999

- 1 A BILL TO BE ENTITLED
2 AN ACT RELATING TO THE 52ND HOUSE DISTRICT.
3 The General Assembly of North Carolina enacts:
4 Section 1. This act relates only to the 52nd House District.
5 Section 2. This act is effective when it becomes law.

**1999 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES**

The following report(s) from standing committee(s) is/are presented:

By Representative(s) **CULPEPPER** for the Committee on **RULES, CALENDAR AND OPERATIONS OF THE HOUSE.**

Committee Substitute for

H.B. 124 A BILL TO BE ENTITLED AN ACT RELATING TO THE 52ND HOUSE DISTRICT.

- With a favorable report.
- With a favorable report and recommendation that the bill be re-referred to the Committee on Appropriations Finance .
- With a favorable report, as amended.
- With a favorable report, as amended, and recommendation that the bill be re-referred to the Committee on Appropriations Finance .
- With a favorable report as to committee substitute bill (#), which changes the title, unfavorable as to (original bill) (Committee Substitute Bill #), (and recommendation that the committee substitute bill #) be re-referred to the Committee on .)
- With a favorable report as to House committee substitute bill (#), which changes the title, unfavorable as to Senate committee substitute bill.
- With an unfavorable report.
- With recommendation that the House concur.
- With recommendation that the House do not concur.
- With recommendation that the House do not concur; request conferees.
- With recommendation that the House concur; committee believes bill to be material.
- With an unfavorable report, with a Minority Report attached.
- Without prejudice.
- With an indefinite postponement report.
- With an indefinite postponement report, with a Minority Report attached.
- With recommendation that it be adopted. (HOUSE RESOLUTION ONLY)

2/24/99

FOR JOURNAL USE ONLY

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

____ The (committee substitute) bill/resolution (, as amended,) is (ordered engrossed and) re-referred to the Committee on _____.

____ The bill/resolution is re-referred to the Committee on _____.

____ On motion of (Rep. _____,) (the Chair,) the (committee substitute) bill/resolution is (ordered engrossed and) re-referred to the Committee on _____.

____ Pursuant to Rule 36(b), the (House)committee substitute bill (No. _____)/resolution is placed on the Calendar of _____. (The original bill) (House Committee Substitute Bill No. _____)/resolution is placed on the Unfavorable Calendar.

____ On motion of Rep. _____, (the rules are suspended) (Rule _____ is suspended) and the bill/resolution is placed on today's calendar. (for immediate consideration.)

____ On motion of Rep. _____, Committee Amendment No.(s) _____ is/are adopted (by EV _____).

____ On motion of Rep. _____, Committee Amendment No.(s) _____ is/are adopted (by EV _____).

____ Rep. _____ offers Amendment No. _____ which (is adopted.) (fails of adoption.) (by EV _____.) () This amendment changes the title.

____ The bill/resolution (, as amended,) passes its second reading (by following vote, _____ RC) (, by EV _____,) and (remains on the Calendar,) (and there being no objection is read a third time).

____ The bill/resolution (, as amended,) passes its third reading (by the following vote, _____ RC) (, by EV _____,) and is ordered _____ sent to the Senate.
____ without engrossment. _____ by Special message.
____ sent to the Senate for concurrence in _____ House amendment (s).
____ House committee substitute.
____ enrolled.

____ On motion of Rep. _____, the House concurs in the (material) Senate _____ (by the following vote, _____ RC) (, by EV _____,) and the bill is ordered enrolled.

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 1999

H

1

HOUSE BILL 134

Short Title: Buncombe Local Act-2.

(Local)

Sponsors: Representative Sherrill.

Referred to: Rules, Calendar and Operations of the House.

February 23, 1999

- 1 A BILL TO BE ENTITLED
2 AN ACT RELATING TO BUNCOMBE COUNTY AND TO THE
3 MUNICIPALITIES LOCATED IN THAT COUNTY.
4 The General Assembly of North Carolina enacts:
5 Section 1. This act relates to Buncombe County and to the incorporated
6 municipalities located therein.
7 Section 2. This act is effective when it becomes law.

**1999 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES**

The following report(s) from standing committee(s) is/are presented:

By Representative(s) **CULPEPPER** for the Committee on **RULES, CALENDAR AND OPERATIONS OF THE HOUSE.**

Committee Substitute for

H.B. 134 A BILL TO BE ENTITLED AN ACT RELATING TO BUNCOMBE COUNTY AND TO THE MUNICIPALITIES LOCATED IN THAT COUNTY.

- With a favorable report.
- With a favorable report and recommendation that the bill be re-referred to the Committee on Appropriations Finance .
- With a favorable report, as amended.
- With a favorable report, as amended, and recommendation that the bill be re-referred to the Committee on Appropriations Finance .
- With a favorable report as to committee substitute bill (#), which changes the title, unfavorable as to (original bill) (Committee Substitute Bill #), (and recommendation that the committee substitute bill #) be re-referred to the Committee on .)
- With a favorable report as to House committee substitute bill (#), which changes the title, unfavorable as to Senate committee substitute bill.
- With an unfavorable report.
- With recommendation that the House concur.
- With recommendation that the House do not concur.
- With recommendation that the House do not concur; request conferees.
- With recommendation that the House concur; committee believes bill to be material.
- With an unfavorable report, with a Minority Report attached.
- Without prejudice.
- With an indefinite postponement report.
- With an indefinite postponement report, with a Minority Report attached.
- With recommendation that it be adopted. (HOUSE RESOLUTION ONLY)

2/24/99

FOR JOURNAL USE ONLY

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

____ The (committee substitute) bill/resolution (, as amended,) is (ordered engrossed and) re-referred to the Committee on _____.

____ The bill/resolution is re-referred to the Committee on _____.

____ On motion of (Rep. _____,) (the Chair,) the (committee substitute) bill/resolution is (ordered engrossed and) re-referred to the Committee on _____.

____ Pursuant to Rule 36(b), the (House)committee substitute bill (No. ____)/resolution is placed on the Calendar of _____. (The original bill) (House Committee Substitute Bill No. ____)/resolution is placed on the Unfavorable Calendar.

____ On motion of Rep. _____, (the rules are suspended) (Rule ____ is suspended) and the bill/resolution is placed on today's calendar. (for immediate consideration.)

____ On motion of Rep. _____, Committee Amendment No.(s) _____ is/are adopted (by EV _____).

____ On motion of Rep. _____, Committee Amendment No.(s) _____ is/are adopted (by EV _____).

____ Rep. _____ offers Amendment No. ____ which (is adopted.) (fails of adoption.) (by EV _____.) () This amendment changes the title.

____ The bill/resolution (, as amended,) passes its second reading (by following vote, ____ RC) (, by EV _____,) and (remains on the Calendar,) (and there being no objection is read a third time).

____ The bill/resolution (, as amended,) passes its third reading (by the following vote, ____ RC) (, by EV _____,) and is ordered
____ sent to the Senate.
____ without engrossment. ____ by Special message.
____ sent to the Senate for concurrence in
____ House amendment (s).
____ House committee substitute.
____ enrolled.

____ On motion of Rep. _____, the House concurs in the (material) Senate _____ (by the following vote, ____ RC) (, by EV _____,) and the bill is ordered enrolled.

**1999 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES**

The following report(s) from standing committee(s) is/are presented:

By Representative(s) **CULPEPPER** for the Committee on **RULES, CALENDAR AND OPERATIONS OF THE HOUSE.**

Committee Substitute for

H.B. 135 A BILL TO BE ENTITLED AN ACT RELATING TO BUNCOMBE COUNTY AND TO THE MUNICIPALITIES LOCATED IN THAT COUNTY.

With a favorable report.

With a favorable report and recommendation that the bill be re-referred to the Committee on Appropriations Finance .

With a favorable report, as amended.

With a favorable report, as amended, and recommendation that the bill be re-referred to the Committee on Appropriations Finance .

With a favorable report as to committee substitute bill (#), which changes the title, unfavorable as to (original bill) (Committee Substitute Bill #), (and recommendation that the committee substitute bill #) be re-referred to the Committee on .)

With a favorable report as to House committee substitute bill (#), which changes the title, unfavorable as to Senate committee substitute bill.

With an unfavorable report.

With recommendation that the House concur.

With recommendation that the House do not concur.

With recommendation that the House do not concur; request conferees.

With recommendation that the House concur; committee believes bill to be material.

With an unfavorable report, with a Minority Report attached.

Without prejudice.

With an indefinite postponement report.

With an indefinite postponement report, with a Minority Report attached.

With recommendation that it be adopted. (HOUSE RESOLUTION ONLY)

2/24/99

FOR JOURNAL USE ONLY

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

____ The (committee substitute) bill/resolution (, as amended,) is (ordered engrossed and) re-referred to the Committee on _____.

____ The bill/resolution is re-referred to the Committee on _____.

____ On motion of (Rep. _____,) (the Chair,) the (committee substitute) bill/resolution is (ordered engrossed and) re-referred to the Committee on _____.

____ Pursuant to Rule 36(b), the (House)committee substitute bill (No. ____)/resolution is placed on the Calendar of _____. (The original bill) (House Committee Substitute Bill No. ____)/resolution is placed on the Unfavorable Calendar.

____ On motion of Rep. _____, (the rules are suspended) (Rule ____ is suspended) and the bill/resolution is placed on today's calendar. (for immediate consideration.)

____ On motion of Rep. _____, Committee Amendment No.(s) _____ is/are adopted (by EV _____).

____ On motion of Rep. _____, Committee Amendment No.(s) _____ is/are adopted (by EV _____).

____ Rep. _____ offers Amendment No. _____ which (is adopted.) (fails of adoption.) (by EV _____.) () This amendment changes the title.

____ The bill/resolution (, as amended,) passes its second reading (by following vote, _____ RC) (, by EV _____,) and (remains on the Calendar,) (and there being no objection is read a third time):

____ The bill/resolution (, as amended,) passes its third reading (by the following vote, _____ RC) (, by EV _____,) and is ordered
____ sent to the Senate.
____ without engrossment. _____ by Special message.
____ sent to the Senate for concurrence in
____ House amendment (s).
____ House committee substitute.
____ enrolled.

____ On motion of Rep. _____, the House concurs in the (material) Senate _____ (by the following vote, _____ RC) (, by EV _____,) and the bill is ordered enrolled.

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 1999

H

1

HOUSE BILL 154

Short Title: Hoke Local Act.

(Local)

Sponsors: Representatives Yongue, Bonner, and Sutton.

Referred to: Rules, Calendar and Operations of the House.

February 25, 1999

- 1 A BILL TO BE ENTITLED
2 AN ACT RELATING TO THE GOVERNANCE OF HOKE COUNTY.
3 The General Assembly of North Carolina enacts:
4 Section 1. This act applies to Hoke County only.
5 Section 2. This act is effective when it becomes law.

**1999 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES**

The following report(s) from standing committee(s) is/are presented:

By Representative(s) **CULPEPPER** for the Committee on **RULES, CALENDAR AND OPERATIONS OF THE HOUSE.**

Committee Substitute for

H.B. 154 A BILL TO BE ENTITLED AN ACT RELATING TO THE GOVERNANCE OF HOKE COUNTY.

- With a favorable report.
- With a favorable report and recommendation that the bill be re-referred to the Committee on Appropriations Finance .
- With a favorable report, as amended.
- With a favorable report, as amended, and recommendation that the bill be re-referred to the Committee on Appropriations Finance .
- With a favorable report as to committee substitute bill (#), which changes the title, unfavorable as to (original bill) (Committee Substitute Bill #), (and recommendation that the committee substitute bill #) be re-referred to the Committee on .)
- With a favorable report as to House committee substitute bill (#), which changes the title, unfavorable as to Senate committee substitute bill.
- With an unfavorable report.
- With recommendation that the House concur.
- With recommendation that the House do not concur.
- With recommendation that the House do not concur; request conferees.
- With recommendation that the House concur; committee believes bill to be material.
- With an unfavorable report, with a Minority Report attached.
- Without prejudice.
- With an indefinite postponement report.
- With an indefinite postponement report, with a Minority Report attached.
- With recommendation that it be adopted. (HOUSE RESOLUTION ONLY)

2/24/99

FOR JOURNAL USE ONLY

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

____ The (committee substitute) bill/resolution (, as amended,) is (ordered engrossed and) re-referred to the Committee on _____.

____ The bill/resolution is re-referred to the Committee on _____.

____ On motion of (Rep. _____,) (the Chair,) the (committee substitute) bill/resolution is (ordered engrossed and) re-referred to the Committee on _____.

____ Pursuant to Rule 36(b), the (House)committee substitute bill (No. ____)/resolution is placed on the Calendar of _____. (The original bill) (House Committee Substitute Bill No. ____)/resolution is placed on the Unfavorable Calendar.

____ On motion of Rep. _____, (the rules are suspended) (Rule ____ is suspended) and the bill/resolution is placed on today's calendar. (for immediate consideration.)

____ On motion of Rep. _____, Committee Amendment No.(s) _____ is/are adopted (by EV _____).

____ On motion of Rep. _____, Committee Amendment No.(s) _____ is/are adopted (by EV _____).

____ Rep. _____ offers Amendment No. ____ which (is adopted.) (fails of adoption.) (by EV _____.) () This amendment changes the title.

____ The bill/resolution (, as amended,) passes its second reading (by following vote, ____ RC) (, by EV _____,) and (remains on the Calendar,) (and there being no objection is read a third time).

____ The bill/resolution (, as amended,) passes its third reading (by the following vote, ____ RC) (, by EV _____,) and is ordered
____ sent to the Senate.
____ without engrossment. ____ by Special message.
____ sent to the Senate for concurrence in
____ House amendment (s).
____ House committee substitute.
____ enrolled.

____ On motion of Rep. _____, the House concurs in the (material) Senate
____ (by the following vote, ____ RC) (, by EV _____,) and
the bill is ordered enrolled.

**1999 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES**

The following report(s) from standing committee(s) is/are presented:

By Representative(s) **CULPEPPER** for the Committee on **RULES, CALENDAR AND OPERATIONS OF THE HOUSE.**

- Committee Substitute for
H.B. 155 A BILL TO BE ENTITLED AN ACT RELATING TO THE GOVERNANCE OF
ROBESON COUNTY.
- With a favorable report.
- With a favorable report and recommendation that the bill be re-referred to the Committee on
Appropriations Finance .
- With a favorable report, as amended.
- With a favorable report, as amended, and recommendation that the bill be re-referred to the
Committee on Appropriations Finance .
- With a favorable report as to committee substitute bill (#), which changes the title,
unfavorable as to (original bill) (Committee Substitute Bill #), (and recommendation
that the committee substitute bill #) be re-referred to the Committee on .)
- With a favorable report as to House committee substitute bill (#), which changes
the title, unfavorable as to Senate committee substitute bill.
- With an unfavorable report.
- With recommendation that the House concur.
- With recommendation that the House do not concur.
- With recommendation that the House do not concur; request conferees.
- With recommendation that the House concur; committee believes bill to be material.
- With an unfavorable report, with a Minority Report attached.
- Without prejudice.
- With an indefinite postponement report.
- With an indefinite postponement report, with a Minority Report attached.
- With recommendation that it be adopted. (HOUSE RESOLUTION ONLY)

2/24/99

FOR JOURNAL USE ONLY

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

____ The (committee substitute) bill/resolution (, as amended,) is (ordered engrossed and) re-referred to the Committee on _____.

____ The bill/resolution is re-referred to the Committee on _____.

____ On motion of (Rep. _____,) (the Chair,) the (committee substitute) bill/resolution is (ordered engrossed and) re-referred to the Committee on _____.

____ Pursuant to Rule 36(b), the (House)committee substitute bill (No. _____)/resolution is placed on the Calendar of _____. (The original bill) (House Committee Substitute Bill No. _____)/resolution is placed on the Unfavorable Calendar.

____ On motion of Rep. _____, (the rules are suspended) (Rule _____ is suspended) and the bill/resolution is placed on today's calendar. (for immediate consideration.)

____ On motion of Rep. _____, Committee Amendment No.(s) _____ is/are adopted (by EV _____).

____ On motion of Rep. _____, Committee Amendment No.(s) _____ is/are adopted (by EV _____).

____ Rep. _____ offers Amendment No. _____ which (is adopted.) (fails of adoption.) (by EV _____.) () This amendment changes the title.

____ The bill/resolution (, as amended,) passes its second reading (by following vote, _____ RC) (, by EV _____,) and (remains on the Calendar,) (and there being no objection is read a third time).

____ The bill/resolution (, as amended,) passes its third reading (by the following vote, _____ RC) (, by EV _____,) and is ordered
____ sent to the Senate.
____ without engrossment. _____ by Special message.
____ sent to the Senate for concurrence in
____ House amendment (s).
____ House committee substitute.
____ enrolled.

____ On motion of Rep. _____, the House concurs in the (material) Senate _____ (by the following vote, _____ RC) (, by EV _____,) and the bill is ordered enrolled.

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1999

H

1

HOUSE BILL 156

Short Title: Robeson Local Act.

(Local)

Sponsors: Representatives Yongue, Bonner, and Sutton.

Referred to: Rules, Calendar and Operations of the House.

February 25, 1999

- 1 **A BILL TO BE ENTITLED**
2 **AN ACT RELATING TO THE GOVERNANCE OF ROBESON COUNTY.**
3 **The General Assembly of North Carolina enacts:**
4 **Section 1. This act applies to Robeson County only.**
5 **Section 2. This act is effective when it becomes law.**

**1999 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES**

The following report(s) from standing committee(s) is/are presented:

By Representative(s) **CULPEPPER** for the Committee on **RULES, CALENDAR AND OPERATIONS OF THE HOUSE.**

Committee Substitute for

H.B. 156 A BILL TO BE ENTITLED AN ACT RELATING TO THE GOVERNANCE OF ROBESON COUNTY.

- With a favorable report.
- With a favorable report and recommendation that the bill be re-referred to the Committee on Appropriations Finance .
- With a favorable report, as amended.
- With a favorable report, as amended, and recommendation that the bill be re-referred to the Committee on Appropriations Finance .
- With a favorable report as to committee substitute bill (#), which changes the title, unfavorable as to (original bill) (Committee Substitute Bill #), (and recommendation that the committee substitute bill #) be re-referred to the Committee on .)
- With a favorable report as to House committee substitute bill (#), which changes the title, unfavorable as to Senate committee substitute bill.
- With an unfavorable report.
- With recommendation that the House concur.
- With recommendation that the House do not concur.
- With recommendation that the House do not concur; request conferees.
- With recommendation that the House concur; committee believes bill to be material.
- With an unfavorable report, with a Minority Report attached.
- Without prejudice.
- With an indefinite postponement report.
- With an indefinite postponement report, with a Minority Report attached.
- With recommendation that it be adopted. (HOUSE RESOLUTION ONLY)

2/24/99

FOR JOURNAL USE ONLY

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

____ The (committee substitute) bill/resolution (, as amended,) is (ordered engrossed and) re-referred to the Committee on _____.

____ The bill/resolution is re-referred to the Committee on _____.

____ On motion of (Rep. _____,) (the Chair,) the (committee substitute) bill/resolution is (ordered engrossed and) re-referred to the Committee on _____.

____ Pursuant to Rule 36(b), the (House)committee substitute bill (No. ____)/resolution is placed on the Calendar of _____. (The original bill) (House Committee Substitute Bill No. ____)/resolution is placed on the Unfavorable Calendar.

____ On motion of Rep. _____, (the rules are suspended) (Rule ____ is suspended) and the bill/resolution is placed on today's calendar. (for immediate consideration.)

____ On motion of Rep. _____, Committee Amendment No.(s) _____ is/are adopted (by EV _____).

____ On motion of Rep. _____, Committee Amendment No.(s) _____ is/are adopted (by EV _____).

____ Rep. _____ offers Amendment No. _____ which (is adopted.) (fails of adoption.) (by EV _____) () This amendment changes the title.

____ The bill/resolution (, as amended,) passes its second reading (by following vote, _____ RC) (, by EV _____,) and (remains on the Calendar,) (and there being no objection is read a third time).

____ The bill/resolution (, as amended,) passes its third reading (by the following vote, _____ RC) (, by EV _____,) and is ordered
____ sent to the Senate.
____ without engrossment. ____ by Special message.
____ sent to the Senate for concurrence in
____ House amendment (s).
____ House committee substitute.
____ enrolled.

____ On motion of Rep. _____, the House concurs in the (material) Senate _____ (by the following vote, _____ RC) (, by EV _____,) and the bill is ordered enrolled.

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1999

H

1

HOUSE BILL 157

Short Title: Scotland Local Act.

(Local)

Sponsors: Representatives Yongue and Bonner.

Referred to: Rules, Calendar and Operations of the House.

February 25, 1999

- 1 A BILL TO BE ENTITLED
2 AN ACT RELATING TO THE GOVERNANCE OF SCOTLAND COUNTY.
3 The General Assembly of North Carolina enacts:
4 Section 1. This act applies to Scotland County only.
5 Section 2. This act is effective when it becomes law.

**1999 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES**

The following report(s) from standing committee(s) is/are presented:

By Representative(s) **CULPEPPER** for the Committee on **RULES, CALENDAR AND OPERATIONS OF THE HOUSE.**

Committee Substitute for

H.B. 157 A BILL TO BE ENTITLED AN ACT RELATING TO THE GOVERNANCE OF SCOTLAND COUNTY.

- With a favorable report.
- With a favorable report and recommendation that the bill be re-referred to the Committee on Appropriations Finance .
- With a favorable report, as amended.
- With a favorable report, as amended, and recommendation that the bill be re-referred to the Committee on Appropriations Finance .
- With a favorable report as to committee substitute bill (#), which changes the title, unfavorable as to (original bill) (Committee Substitute Bill #), (and recommendation that the committee substitute bill #) be re-referred to the Committee on .)
- With a favorable report as to House committee substitute bill (#), which changes the title, unfavorable as to Senate committee substitute bill.
- With an unfavorable report.
- With recommendation that the House concur.
- With recommendation that the House do not concur.
- With recommendation that the House do not concur; request conferees.
- With recommendation that the House concur; committee believes bill to be material.
- With an unfavorable report, with a Minority Report attached.
- Without prejudice.
- With an indefinite postponement report.
- With an indefinite postponement report, with a Minority Report attached.
- With recommendation that it be adopted. (HOUSE RESOLUTION ONLY)

2/24/99

FOR JOURNAL USE ONLY

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

____ The (committee substitute) bill/resolution (, as amended,) is (ordered engrossed and) re-referred to the Committee on _____.

____ The bill/resolution is re-referred to the Committee on _____.

____ On motion of (Rep. _____,) (the Chair,) the (committee substitute) bill/resolution is (ordered engrossed and) re-referred to the Committee on _____.

____ Pursuant to Rule 36(b), the (House)committee substitute bill (No. ____)/resolution is placed on the Calendar of _____. (The original bill) (House Committee Substitute Bill No. ____)/resolution is placed on the Unfavorable Calendar.

____ On motion of Rep. _____, (the rules are suspended) (Rule ____ is suspended) and the bill/resolution is placed on today's calendar. (for immediate consideration.)

____ On motion of Rep. _____, Committee Amendment No.(s) _____ is/are adopted (by EV _____).

____ On motion of Rep. _____, Committee Amendment No.(s) _____ is/are adopted (by EV _____).

____ Rep. _____ offers Amendment No. _____ which (is adopted.) (fails of adoption.) (by EV _____) () This amendment changes the title.

____ The bill/resolution (, as amended,) passes its second reading (by following vote, _____ RC) (, by EV _____,) and (remains on the Calendar,) (and there being no objection is read a third time).

____ The bill/resolution (, as amended,) passes its third reading (by the following vote, _____ RC) (, by EV _____,) and is ordered _____ sent to the Senate.

____ without engrossment. _____ by Special message.

____ sent to the Senate for concurrence in

____ House amendment (s).

____ House committee substitute.

____ enrolled.

____ On motion of Rep. _____, the House concurs in the (material) Senate _____ (by the following vote, _____ RC) (, by EV _____,) and the bill is ordered enrolled.

**1999 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES**

The following report(s) from standing committee(s) is/are presented:

By Representative(s) **CULPEPPER** for the Committee on **RULES, CALENDAR AND OPERATIONS OF THE HOUSE.**

Committee Substitute for

H.B. 158 A BILL TO BE ENTITLED AN ACT RELATING TO THE GOVERNANCE OF HOKE COUNTY.

- With a favorable report.
- With a favorable report and recommendation that the bill be re-referred to the Committee on Appropriations Finance .
- With a favorable report, as amended.
- With a favorable report, as amended, and recommendation that the bill be re-referred to the Committee on Appropriations Finance .
- With a favorable report as to committee substitute bill (#), which changes the title, unfavorable as to (original bill) (Committee Substitute Bill #), (and recommendation that the committee substitute bill #) be re-referred to the Committee on .)
- With a favorable report as to House committee substitute bill (#), which changes the title, unfavorable as to Senate committee substitute bill.
- With an unfavorable report.
- With recommendation that the House concur.
- With recommendation that the House do not concur.
- With recommendation that the House do not concur; request conferees.
- With recommendation that the House concur; committee believes bill to be material.
- With an unfavorable report, with a Minority Report attached.
- Without prejudice.
- With an indefinite postponement report.
- With an indefinite postponement report, with a Minority Report attached.
- With recommendation that it be adopted. (HOUSE RESOLUTION ONLY)

2/24/99

FOR JOURNAL USE ONLY

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

____ The (committee substitute) bill/resolution (, as amended,) is (ordered engrossed and) re-referred to the Committee on _____.

____ The bill/resolution is re-referred to the Committee on _____.

____ On motion of (Rep. _____,) (the Chair,) the (committee substitute) bill/resolution is (ordered engrossed and) re-referred to the Committee on _____.

____ Pursuant to Rule 36(b), the (House)committee substitute bill (No. ____)/resolution is placed on the Calendar of _____. (The original bill) (House Committee Substitute Bill No. ____)/resolution is placed on the Unfavorable Calendar.

____ On motion of Rep. _____, (the rules are suspended) (Rule ____ is suspended) and the bill/resolution is placed on today's calendar. (for immediate consideration.)

____ On motion of Rep. _____, Committee Amendment No.(s) _____ is/are adopted (by EV _____).

____ On motion of Rep. _____, Committee Amendment No.(s) _____ is/are adopted (by EV _____).

____ Rep. _____ offers Amendment No. ____ which (is adopted.) (fails of adoption.) (by EV _____.) () This amendment changes the title.

____ The bill/resolution (, as amended,) passes its second reading (by following vote, ____ RC) (, by EV _____,) and (remains on the Calendar,) (and there being no objection is read a third time).

____ The bill/resolution (, as amended,) passes its third reading (by the following vote, ____ RC) (, by EV _____,) and is ordered
____ sent to the Senate.
____ without engrossment. ____ by Special message.
____ sent to the Senate for concurrence in
____ House amendment (s).
____ House committee substitute.
____ enrolled.

____ On motion of Rep. _____, the House concurs in the (material) Senate
____ (by the following vote, ____ RC) (, by EV _____,) and
the bill is ordered enrolled.

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1999

H

1

HOUSE BILL 183

Short Title: Macon County Local Act.

(Local)

Sponsors: Representative Carpenter.

Referred to: Rules, Calendar and Operations of the House.

March 1, 1999

- 1 A BILL TO BE ENTITLED
2 AN ACT RELATING TO THE GOVERNANCE OF MACON COUNTY.
3 The General Assembly of North Carolina enacts:
4 Section 1. This act applies to Macon County only.
5 Section 2. This act is effective when it becomes law.

**1999 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES**

The following report(s) from standing committee(s) is/are presented:

By Representative(s) **CULPEPPER** for the Committee on **RULES, CALENDAR AND OPERATIONS OF THE HOUSE.**

- Committee Substitute for
H.B. 183 A BILL TO BE ENTITLED AN ACT RELATING TO THE GOVERNANCE OF
MACON COUNTY.
- With a favorable report.
- With a favorable report and recommendation that the bill be re-referred to the Committee on
Appropriations Finance .
- With a favorable report, as amended.
- With a favorable report, as amended, and recommendation that the bill be re-referred to the
Committee on Appropriations Finance .
- With a favorable report as to committee substitute bill (#), which changes the title,
unfavorable as to (original bill) (Committee Substitute Bill #), (and recommendation
that the committee substitute bill #) be re-referred to the Committee on .)
- With a favorable report as to House committee substitute bill (#), which changes
the title, unfavorable as to Senate committee substitute bill.
- With an unfavorable report.
- With recommendation that the House concur.
- With recommendation that the House do not concur.
- With recommendation that the House do not concur; request conferees.
- With recommendation that the House concur; committee believes bill to be material.
- With an unfavorable report, with a Minority Report attached.
- Without prejudice.
- With an indefinite postponement report.
- With an indefinite postponement report, with a Minority Report attached.
- With recommendation that it be adopted. (HOUSE RESOLUTION ONLY)

2/24/99

FOR JOURNAL USE ONLY

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

____ The (committee substitute) bill/resolution (, as amended,) is (ordered engrossed and) re-referred to the Committee on _____.

____ The bill/resolution is re-referred to the Committee on _____.

____ On motion of (Rep. _____,) (the Chair,) the (committee substitute) bill/resolution is (ordered engrossed and) re-referred to the Committee on _____.

____ Pursuant to Rule 36(b), the (House)committee substitute bill (No. ____)/resolution is placed on the Calendar of _____. (The original bill) (House Committee Substitute Bill No. ____)/resolution is placed on the Unfavorable Calendar.

____ On motion of Rep. _____, (the rules are suspended) (Rule ____ is suspended) and the bill/resolution is placed on today's calendar. (for immediate consideration.)

____ On motion of Rep. _____, Committee Amendment No.(s) _____ is/are adopted (by EV _____).

____ On motion of Rep. _____, Committee Amendment No.(s) _____ is/are adopted (by EV _____).

____ Rep. _____ offers Amendment No. _____ which (is adopted.) (fails of adoption.) (by EV _____.) () This amendment changes the title.

____ The bill/resolution (, as amended,) passes its second reading (by following vote, _____ RC) (, by EV _____,) and (remains on the Calendar,) (and there being no objection is read a third time).

____ The bill/resolution (, as amended,) passes its third reading (by the following vote, _____ RC) (, by EV _____,) and is ordered _____ sent to the Senate.
____ without engrossment. _____ by Special message.
____ sent to the Senate for concurrence in _____ House amendment (s).
____ House committee substitute.
____ enrolled.

____ On motion of Rep. _____, the House concurs in the (material) Senate _____ (by the following vote, _____ RC) (, by EV _____,) and the bill is ordered enrolled.

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1999

H

1

HOUSE BILL 184

Short Title: Macon County Local Act.

(Local)

Sponsors: Representative Carpenter.

Referred to: Rules, Calendar and Operations of the House.

March 1, 1999

- 1 A BILL TO BE ENTITLED
2 AN ACT RELATING TO THE GOVERNANCE OF MACON COUNTY.
3 The General Assembly of North Carolina enacts:
4 Section 1. This act applies to Macon County only.
5 Section 2. This act is effective when it becomes law.

**1999 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES**

The following report(s) from standing committee(s) is/are presented:

By Representative(s) **CULPEPPER** for the Committee on **RULES, CALENDAR AND OPERATIONS OF THE HOUSE.**

Committee Substitute for

H.B. 184 A BILL TO BE ENTITLED AN ACT RELATING TO THE GOVERNANCE OF MACON COUNTY.

- With a favorable report.
- With a favorable report and recommendation that the bill be re-referred to the Committee on Appropriations Finance .
- With a favorable report, as amended.
- With a favorable report, as amended, and recommendation that the bill be re-referred to the Committee on Appropriations Finance .
- With a favorable report as to committee substitute bill (#), which changes the title, unfavorable as to (original bill) (Committee Substitute Bill #), (and recommendation that the committee substitute bill #) be re-referred to the Committee on .)
- With a favorable report as to House committee substitute bill (#), which changes the title, unfavorable as to Senate committee substitute bill.
- With an unfavorable report.
- With recommendation that the House concur.
- With recommendation that the House do not concur.
- With recommendation that the House do not concur; request conferees.
- With recommendation that the House concur; committee believes bill to be material.
- With an unfavorable report, with a Minority Report attached.
- Without prejudice.
- With an indefinite postponement report.
- With an indefinite postponement report, with a Minority Report attached.
- With recommendation that it be adopted. (HOUSE RESOLUTION ONLY)

2/24/99

FOR JOURNAL USE ONLY

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

____ The (committee substitute) bill/resolution (, as amended,) is (ordered engrossed and) re-referred to the Committee on _____.

____ The bill/resolution is re-referred to the Committee on _____.

____ On motion of (Rep. _____,) (the Chair,) the (committee substitute) bill/resolution is (ordered engrossed and) re-referred to the Committee on _____.

____ Pursuant to Rule 36(b), the (House)committee substitute bill (No. ____)/resolution is placed on the Calendar of _____. (The original bill) (House Committee Substitute Bill No. ____)/resolution is placed on the Unfavorable Calendar.

____ On motion of Rep. _____, (the rules are suspended) (Rule ____ is suspended) and the bill/resolution is placed on today's calendar. (for immediate consideration.)

____ On motion of Rep. _____, Committee Amendment No.(s) _____ is/are adopted (by EV _____).

____ On motion of Rep. _____, Committee Amendment No.(s) _____ is/are adopted (by EV _____).

____ Rep. _____ offers Amendment No. ____ which (is adopted.) (fails of adoption.) (by EV _____) () This amendment changes the title.

____ The bill/resolution (, as amended,) passes its second reading (by following vote, _____ RC) (, by EV _____,) and (remains on the Calendar,) (and there being no objection is read a third time).

____ The bill/resolution (, as amended,) passes its third reading (by the following vote, _____ RC) (, by EV _____,) and is ordered _____ sent to the Senate.

____ without engrossment. _____ by Special message.

____ sent to the Senate for concurrence in

____ House amendment (s).

____ House committee substitute.

____ enrolled.

____ On motion of Rep. _____, the House concurs in the (material) Senate _____ (by the following vote, _____ RC) (, by EV _____,) and the bill is ordered enrolled.

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1999

H

1

HOUSE BILL 185

Short Title: Cherokee County Local Act.

(Local)

Sponsors: Representative Carpenter.

Referred to: Rules, Calendar and Operations of the House.

March 1, 1999

- 1 A BILL TO BE ENTITLED
2 AN ACT RELATING TO THE GOVERNANCE OF CHEROKEE COUNTY.
3 The General Assembly of North Carolina enacts:
4 Section 1. This act applies to Cherokee County only.
5 Section 2. This act is effective when it becomes law.

**1999 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES**

The following report(s) from standing committee(s) is/are presented:

By Representative(s) **CULPEPPER** for the Committee on **RULES, CALENDAR AND
OPERATIONS OF THE HOUSE.**

Committee Substitute for

H.B. 185 A BILL TO BE ENTITLED AN ACT RELATING TO THE GOVERNANCE OF
CHEROKEE COUNTY.

With a favorable report.

With a favorable report and recommendation that the bill be re-referred to the Committee on
Appropriations Finance .

With a favorable report, as amended.

With a favorable report, as amended, and recommendation that the bill be re-referred to the
Committee on Appropriations Finance .

With a favorable report as to committee substitute bill (#), which changes the title,
unfavorable as to (original bill) (Committee Substitute Bill #), (and recommendation
that the committee substitute bill #) be re-referred to the Committee on .)

With a favorable report as to House committee substitute bill (#), which changes
the title, unfavorable as to Senate committee substitute bill.

With an unfavorable report.

With recommendation that the House concur.

With recommendation that the House do not concur.

With recommendation that the House do not concur; request conferees.

With recommendation that the House concur; committee believes bill to be material.

With an unfavorable report, with a Minority Report attached.

Without prejudice.

With an indefinite postponement report.

With an indefinite postponement report, with a Minority Report attached.

With recommendation that it be adopted. (HOUSE RESOLUTION ONLY)

2/24/99

FOR JOURNAL USE ONLY

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

____ The (committee substitute) bill/resolution (, as amended,) is (ordered engrossed and) re-referred to the Committee on _____.

____ The bill/resolution is re-referred to the Committee on _____.

____ On motion of (Rep. _____,) (the Chair,) the (committee substitute) bill/resolution is (ordered engrossed and) re-referred to the Committee on _____.

____ Pursuant to Rule 36(b), the (House)committee substitute bill (No. _____)/resolution is placed on the Calendar of _____. (The original bill) (House Committee Substitute Bill No. _____)/resolution is placed on the Unfavorable Calendar.

____ On motion of Rep. _____, (the rules are suspended) (Rule _____ is suspended) and the bill/resolution is placed on today's calendar. (for immediate consideration.)

____ On motion of Rep. _____, Committee Amendment No.(s) _____ is/are adopted (by EV _____).

____ On motion of Rep. _____, Committee Amendment No.(s) _____ is/are adopted (by EV _____).

____ Rep. _____ offers Amendment No. _____ which (is adopted.) (fails of adoption.) (by EV _____.) () This amendment changes the title.

____ The bill/resolution (, as amended,) passes its second reading (by following vote, _____ RC) (, by EV _____,) and (remains on the Calendar,) (and there being no objection is read a third time).

____ The bill/resolution (, as amended,) passes its third reading (by the following vote, _____ RC) (, by EV _____,) and is ordered
____ sent to the Senate.
____ without engrossment. _____ by Special message.
____ sent to the Senate for concurrence in
____ House amendment (s).
____ House committee substitute.
____ enrolled.

____ On motion of Rep. _____, the House concurs in the (material) Senate _____ (by the following vote, _____ RC) (, by EV _____,) and the bill is ordered enrolled.

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1999

H

1

HOUSE BILL 186

Short Title: Clay County Local Act.

(Local)

Sponsors: Representative Carpenter.

Referred to: Rules, Calendar and Operations of the House.

March 1, 1999

- 1 A BILL TO BE ENTITLED
2 AN ACT RELATING TO THE GOVERNANCE OF CLAY COUNTY.
3 The General Assembly of North Carolina enacts:
4 Section 1. This act applies to Clay County only.
5 Section 2. This act is effective when it becomes law.

**1999 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES**

The following report(s) from standing committee(s) is/are presented:

By Representative(s) **CULPEPPER** for the Committee on **RULES, CALENDAR AND OPERATIONS OF THE HOUSE.**

Committee Substitute for

H.B. 186 A BILL TO BE ENTITLED AN ACT RELATING TO THE GOVERNANCE OF CLAY COUNTY.

- With a favorable report.
- With a favorable report and recommendation that the bill be re-referred to the Committee on Appropriations Finance .
- With a favorable report, as amended.
- With a favorable report, as amended, and recommendation that the bill be re-referred to the Committee on Appropriations Finance .
- With a favorable report as to committee substitute bill (#), which changes the title, unfavorable as to (original bill) (Committee Substitute Bill #), (and recommendation that the committee substitute bill #) be re-referred to the Committee on .)
- With a favorable report as to House committee substitute bill (#), which changes the title, unfavorable as to Senate committee substitute bill.
- With an unfavorable report.
- With recommendation that the House concur.
- With recommendation that the House do not concur.
- With recommendation that the House do not concur; request conferees.
- With recommendation that the House concur; committee believes bill to be material.
- With an unfavorable report, with a Minority Report attached.
- Without prejudice.
- With an indefinite postponement report.
- With an indefinite postponement report, with a Minority Report attached.
- With recommendation that it be adopted. (HOUSE RESOLUTION ONLY)

2/24/99

FOR JOURNAL USE ONLY

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

____ The (committee substitute) bill/resolution (, as amended,) is (ordered engrossed and) re-referred to the Committee on _____.

____ The bill/resolution is re-referred to the Committee on _____.

____ On motion of (Rep. _____,) (the Chair,) the (committee substitute) bill/resolution is (ordered engrossed and) re-referred to the Committee on _____.

____ Pursuant to Rule 36(b), the (House)committee substitute bill (No. ____)/resolution is placed on the Calendar of _____. (The original bill) (House Committee Substitute Bill No. ____)/resolution is placed on the Unfavorable Calendar.

____ On motion of Rep. _____, (the rules are suspended) (Rule ____ is suspended) and the bill/resolution is placed on today's calendar. (for immediate consideration.)

____ On motion of Rep. _____, Committee Amendment No.(s) _____ is/are adopted (by EV _____).

____ On motion of Rep. _____, Committee Amendment No.(s) _____ is/are adopted (by EV _____).

____ Rep. _____ offers Amendment No. _____ which (is adopted.) (fails of adoption.) (by EV _____) () This amendment changes the title.

____ The bill/resolution (, as amended,) passes its second reading (by following vote, _____ RC) (, by EV _____,) and (remains on the Calendar,) (and there being no objection is read a third time).

____ The bill/resolution (, as amended,) passes its third reading (by the following vote, _____ RC) (, by EV _____,) and is ordered _____ sent to the Senate.
____ without engrossment. _____ by Special message.
____ sent to the Senate for concurrence in _____ House amendment (s).
____ House committee substitute.
____ enrolled.

____ On motion of Rep. _____, the House concurs in the (material) Senate _____ (by the following vote, _____ RC) (, by EV _____,) and the bill is ordered enrolled.

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 1999

H

1

HOUSE BILL 205

Short Title: Scotland Local Act.

(Local)

Sponsors: Representatives Yongue and Bonner.

Referred to: Rules, Calendar and Operations of the House.

March 2, 1999

- 1 A BILL TO BE ENTITLED
2 AN ACT RELATING TO THE GOVERNANCE OF SCOTLAND COUNTY.
3 The General Assembly of North Carolina enacts:
4 Section 1. This act applies to Scotland County only.
5 Section 2. This act is effective when it becomes law.

**1999 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES**

The following report(s) from standing committee(s) is/are presented:

By Representative(s) **CULPEPPER** for the Committee on **RULES, CALENDAR AND OPERATIONS OF THE HOUSE.**

Committee Substitute for

H.B. 205 A BILL TO BE ENTITLED AN ACT RELATING TO THE GOVERNANCE OF SCOTLAND COUNTY.

- With a favorable report.
- With a favorable report and recommendation that the bill be re-referred to the Committee on Appropriations Finance .
- With a favorable report, as amended.
- With a favorable report, as amended, and recommendation that the bill be re-referred to the Committee on Appropriations Finance .
- With a favorable report as to committee substitute bill (#), which changes the title, unfavorable as to (original bill) (Committee Substitute Bill #), (and recommendation that the committee substitute bill #) be re-referred to the Committee on .)
- With a favorable report as to House committee substitute bill (#), which changes the title, unfavorable as to Senate committee substitute bill.
- With an unfavorable report.
- With recommendation that the House concur.
- With recommendation that the House do not concur.
- With recommendation that the House do not concur; request conferees.
- With recommendation that the House concur; committee believes bill to be material.
- With an unfavorable report, with a Minority Report attached.
- Without prejudice.
- With an indefinite postponement report.
- With an indefinite postponement report, with a Minority Report attached.
- With recommendation that it be adopted. (HOUSE RESOLUTION ONLY)

2/24/99

FOR JOURNAL USE ONLY

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

____ The (committee substitute) bill/resolution (, as amended,) is (ordered engrossed and) re-referred to the Committee on _____.

____ The bill/resolution is re-referred to the Committee on _____.

____ On motion of (Rep. _____,) (the Chair,) the (committee substitute) bill/resolution is (ordered engrossed and) re-referred to the Committee on _____.

____ Pursuant to Rule 36(b), the (House)committee substitute bill (No. ____)/resolution is placed on the Calendar of _____. (The original bill) (House Committee Substitute Bill No. ____)/resolution is placed on the Unfavorable Calendar.

____ On motion of Rep. _____, (the rules are suspended) (Rule ____ is suspended) and the bill/resolution is placed on today's calendar. (for immediate consideration.)

____ On motion of Rep. _____, Committee Amendment No.(s) _____ is/are adopted (by EV _____).

____ On motion of Rep. _____, Committee Amendment No.(s) _____ is/are adopted (by EV _____).

____ Rep. _____ offers Amendment No. _____ which (is adopted.) (fails of adoption.) (by EV _____) () This amendment changes the title.

____ The bill/resolution (, as amended,) passes its second reading (by following vote, _____ RC) (, by EV _____,) and (remains on the Calendar,) (and there being no objection is read a third time).

____ The bill/resolution (, as amended,) passes its third reading (by the following vote, _____ RC) (, by EV _____,) and is ordered
____ sent to the Senate.
____ without engrossment. _____ by Special message.
____ sent to the Senate for concurrence in
____ House amendment (s).
____ House committee substitute.
____ enrolled.

____ On motion of Rep. _____, the House concurs in the (material) Senate _____ (by the following vote, _____ RC) (, by EV _____,) and the bill is ordered enrolled.

**1999 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES**

The following report(s) from standing committee(s) is/are presented:

By Representative(s) **CULPEPPER** for the Committee on **RULES, CALENDAR AND OPERATIONS OF THE HOUSE.**

Committee Substitute for

H.B. 206 A BILL TO BE ENTITLED AN ACT RELATING TO THE TOWN OF WALLACE.

- With a favorable report.
- With a favorable report and recommendation that the bill be re-referred to the Committee on Appropriations Finance .
- With a favorable report, as amended.
- With a favorable report, as amended, and recommendation that the bill be re-referred to the Committee on Appropriations Finance .
- With a favorable report as to committee substitute bill (#), which changes the title, unfavorable as to (original bill) (Committee Substitute Bill #), (and recommendation that the committee substitute bill #) be re-referred to the Committee on .)
- With a favorable report as to House committee substitute bill (#), which changes the title, unfavorable as to Senate committee substitute bill.
- With an unfavorable report.
- With recommendation that the House concur.
- With recommendation that the House do not concur.
- With recommendation that the House do not concur; request conferees.
- With recommendation that the House concur; committee believes bill to be material.
- With an unfavorable report, with a Minority Report attached.
- Without prejudice.
- With an indefinite postponement report.
- With an indefinite postponement report, with a Minority Report attached.
- With recommendation that it be adopted. (HOUSE RESOLUTION ONLY)

2/24/99

FOR JOURNAL USE ONLY

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

____ The (committee substitute) bill/resolution (, as amended,) is (ordered engrossed and) re-referred to the Committee on _____.

____ The bill/resolution is re-referred to the Committee on _____.

____ On motion of (Rep. _____,) (the Chair,) the (committee substitute) bill/resolution is (ordered engrossed and) re-referred to the Committee on _____.

____ Pursuant to Rule 36(b), the (House)committee substitute bill (No. ____)/resolution is placed on the Calendar of _____. (The original bill) (House Committee Substitute Bill No. ____)/resolution is placed on the Unfavorable Calendar.

____ On motion of Rep. _____, (the rules are suspended) (Rule ____ is suspended) and the bill/resolution is placed on today's calendar. (for immediate consideration.)

____ On motion of Rep. _____, Committee Amendment No.(s) _____ is/are adopted (by EV _____).

____ On motion of Rep. _____, Committee Amendment No.(s) _____ is/are adopted (by EV _____).

____ Rep. _____ offers Amendment No. ____ which (is adopted.) (fails of adoption.) (by EV _____.) () This amendment changes the title.

____ The bill/resolution (, as amended,) passes its second reading (by following vote, ____ RC) (, by EV _____,) and (remains on the Calendar,) (and there being no objection is read a third time).

____ The bill/resolution (, as amended,) passes its third reading (by the following vote, ____ RC) (, by EV _____,) and is ordered
____ sent to the Senate.
____ without engrossment. ____ by Special message.
____ sent to the Senate for concurrence in
____ House amendment (s).
____ House committee substitute.
____ enrolled.

____ On motion of Rep. _____, the House concurs in the (material) Senate
____ (by the following vote, ____ RC) (, by EV _____,) and
the bill is ordered enrolled.

**1999 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES**

The following report(s) from standing committee(s) is/are presented:

By Representative(s) **CULPEPPER** for the Committee on **RULES, CALENDAR AND OPERATIONS OF THE HOUSE.**

Committee Substitute for

H.B. 207 A BILL TO BE ENTITLED AN ACT RELATING TO THE GOVERNANCE OF BURKE COUNTY.

- With a favorable report.
- With a favorable report and recommendation that the bill be re-referred to the Committee on Appropriations Finance .
- With a favorable report, as amended.
- With a favorable report, as amended, and recommendation that the bill be re-referred to the Committee on Appropriations Finance .
- With a favorable report as to committee substitute bill (#), which changes the title, unfavorable as to (original bill) (Committee Substitute Bill #), (and recommendation that the committee substitute bill #) be re-referred to the Committee on .)
- With a favorable report as to House committee substitute bill (#), which changes the title, unfavorable as to Senate committee substitute bill.
- With an unfavorable report.
- With recommendation that the House concur.
- With recommendation that the House do not concur.
- With recommendation that the House do not concur; request conferees.
- With recommendation that the House concur; committee believes bill to be material.
- With an unfavorable report, with a Minority Report attached.
- Without prejudice.
- With an indefinite postponement report.
- With an indefinite postponement report, with a Minority Report attached.
- With recommendation that it be adopted. (HOUSE RESOLUTION ONLY)

2/24/99

FOR JOURNAL USE ONLY

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

____ The (committee substitute) bill/resolution (, as amended,) is (ordered engrossed and) re-referred to the Committee on _____.

____ The bill/resolution is re-referred to the Committee on _____.

____ On motion of (Rep. _____,) (the Chair,) the (committee substitute) bill/resolution is (ordered engrossed and) re-referred to the Committee on _____.

____ Pursuant to Rule 36(b), the (House)committee substitute bill (No. ____)/resolution is placed on the Calendar of _____. (The original bill) (House Committee Substitute Bill No. ____)/resolution is placed on the Unfavorable Calendar.

____ On motion of Rep. _____, (the rules are suspended) (Rule ____ is suspended) and the bill/resolution is placed on today's calendar. (for immediate consideration.)

____ On motion of Rep. _____, Committee Amendment No.(s) _____ is/are adopted (by EV _____).

____ On motion of Rep. _____, Committee Amendment No.(s) _____ is/are adopted (by EV _____).

____ Rep. _____ offers Amendment No. _____ which (is adopted.) (fails of adoption.) (by EV _____.) () This amendment changes the title.

____ The bill/resolution (, as amended,) passes its second reading (by following vote, _____ RC) (, by EV _____,) and (remains on the Calendar,) (and there being no objection is read a third time).

____ The bill/resolution (, as amended,) passes its third reading (by the following vote, _____ RC) (, by EV _____,) and is ordered
____ sent to the Senate.
____ without engrossment. _____ by Special message.
____ sent to the Senate for concurrence in
____ House amendment (s).
____ House committee substitute.
____ enrolled.

____ On motion of Rep. _____, the House concurs in the (material) Senate
____ (by the following vote, _____ RC) (, by EV _____,) and
the bill is ordered enrolled.

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1999

H

1

HOUSE BILL 208

Short Title: Mitchell County Local Act.

(Local)

Sponsors: Representatives Thompson and Buchanan.

Referred to: Rules, Calendar and Operations of the House.

March 2, 1999

- 1 A BILL TO BE ENTITLED
2 AN ACT RELATING TO THE GOVERNANCE OF MITCHELL COUNTY.
3 The General Assembly of North Carolina enacts:
4 Section 1. This act applies to Mitchell County only.
5 Section 2. This act is effective when it becomes law.

**1999 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES**

The following report(s) from standing committee(s) is/are presented:

By Representative(s) **CULPEPPER** for the Committee on **RULES, CALENDAR AND OPERATIONS OF THE HOUSE**.

Committee Substitute for

H.B. 208 A BILL TO BE ENTITLED AN ACT RELATING TO THE GOVERNANCE OF MITCHELL COUNTY.

With a favorable report.

With a favorable report and recommendation that the bill be re-referred to the Committee on Appropriations Finance .

With a favorable report, as amended.

With a favorable report, as amended, and recommendation that the bill be re-referred to the Committee on Appropriations Finance .

With a favorable report as to committee substitute bill (#), which changes the title, unfavorable as to (original bill) (Committee Substitute Bill #), (and recommendation that the committee substitute bill #) be re-referred to the Committee on .)

With a favorable report as to House committee substitute bill (#), which changes the title, unfavorable as to Senate committee substitute bill.

With an unfavorable report.

With recommendation that the House concur.

With recommendation that the House do not concur.

With recommendation that the House do not concur; request conferees.

With recommendation that the House concur; committee believes bill to be material.

With an unfavorable report, with a Minority Report attached.

Without prejudice.

With an indefinite postponement report.

With an indefinite postponement report, with a Minority Report attached.

With recommendation that it be adopted. (HOUSE RESOLUTION ONLY)

2/24/99

FOR JOURNAL USE ONLY

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

____ The (committee substitute) bill/resolution (, as amended,) is (ordered engrossed and) re-referred to the Committee on _____.

____ The bill/resolution is re-referred to the Committee on _____.

____ On motion of (Rep. _____,) (the Chair,) the (committee substitute) bill/resolution is (ordered engrossed and) re-referred to the Committee on _____.

____ Pursuant to Rule 36(b), the (House)committee substitute bill (No. _____)/resolution is placed on the Calendar of _____. (The original bill) (House Committee Substitute Bill No. _____)/resolution is placed on the Unfavorable Calendar.

____ On motion of Rep. _____, (the rules are suspended) (Rule _____ is suspended) and the bill/resolution is placed on today's calendar. (for immediate consideration.)

____ On motion of Rep. _____, Committee Amendment No.(s) _____ is/are adopted (by EV _____).

____ On motion of Rep. _____, Committee Amendment No.(s) _____ is/are adopted (by EV _____).

____ Rep. _____ offers Amendment No. _____ which (is adopted.) (fails of adoption.) (by EV _____.) () This amendment changes the title.

____ The bill/resolution (, as amended,) passes its second reading (by following vote, _____ RC) (, by EV _____,) and (remains on the Calendar,) (and there being no objection is read a third time).

____ The bill/resolution (, as amended,) passes its third reading (by the following vote, _____ RC) (, by EV _____,) and is ordered
____ sent to the Senate.
____ without engrossment. _____ by Special message.
____ sent to the Senate for concurrence in
____ House amendment (s).
____ House committee substitute.
____ enrolled.

____ On motion of Rep. _____, the House concurs in the (material) Senate _____ (by the following vote, _____ RC) (, by EV _____,) and the bill is ordered enrolled.

**1999 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES**

The following report(s) from standing committee(s) is/are presented:

By Representative(s) **CULPEPPER** for the Committee on **RULES, CALENDAR AND OPERATIONS OF THE HOUSE.**

Committee Substitute for

H.B. 209 A BILL TO BE ENTITLED AN ACT RELATING TO THE GOVERNANCE OF AVERY COUNTY.

- With a favorable report.
- With a favorable report and recommendation that the bill be re-referred to the Committee on Appropriations Finance .
- With a favorable report, as amended.
- With a favorable report, as amended, and recommendation that the bill be re-referred to the Committee on Appropriations Finance .
- With a favorable report as to committee substitute bill (#), which changes the title, unfavorable as to (original bill) (Committee Substitute Bill #), (and recommendation that the committee substitute bill #) be re-referred to the Committee on .)
- With a favorable report as to House committee substitute bill (#), which changes the title, unfavorable as to Senate committee substitute bill.
- With an unfavorable report.
- With recommendation that the House concur.
- With recommendation that the House do not concur.
- With recommendation that the House do not concur; request conferees.
- With recommendation that the House concur; committee believes bill to be material.
- With an unfavorable report, with a Minority Report attached.
- Without prejudice.
- With an indefinite postponement report.
- With an indefinite postponement report, with a Minority Report attached.
- With recommendation that it be adopted. (HOUSE RESOLUTION ONLY)

2/24/99

FOR JOURNAL USE ONLY

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

____ The (committee substitute) bill/resolution (, as amended,) is (ordered engrossed and) re-referred to the Committee on _____.

____ The bill/resolution is re-referred to the Committee on _____.

____ On motion of (Rep. _____,) (the Chair,) the (committee substitute) bill/resolution is (ordered engrossed and) re-referred to the Committee on _____.

____ Pursuant to Rule 36(b), the (House)committee substitute bill (No. ____)/resolution is placed on the Calendar of _____. (The original bill) (House Committee Substitute Bill No. ____)/resolution is placed on the Unfavorable Calendar.

____ On motion of Rep. _____, (the rules are suspended) (Rule ____ is suspended) and the bill/resolution is placed on today's calendar. (for immediate consideration.)

____ On motion of Rep. _____, Committee Amendment No.(s) _____ is/are adopted (by EV _____).

____ On motion of Rep. _____, Committee Amendment No.(s) _____ is/are adopted (by EV _____).

____ Rep. _____ offers Amendment No. _____ which (is adopted.) (fails of adoption.) (by EV _____) () This amendment changes the title.

____ The bill/resolution (, as amended,) passes its second reading (by following vote, _____ RC) (, by EV _____,) and (remains on the Calendar,) (and there being no objection is read a third time).

____ The bill/resolution (, as amended,) passes its third reading (by the following vote, _____ RC) (, by EV _____,) and is ordered
____ sent to the Senate.
____ without engrossment. _____ by Special message.
____ sent to the Senate for concurrence in
____ House amendment (s).
____ House committee substitute.
____ enrolled.

____ On motion of Rep. _____, the House concurs in the (material) Senate
____ (by the following vote, _____ RC) (, by EV _____,) and
the bill is ordered enrolled.

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1999

H

1

HOUSE BILL 210

Short Title: Catawba County Local Act.

(Local)

Sponsors: Representatives Thompson and Buchanan.

Referred to: Rules, Calendar and Operations of the House.

March 2, 1999

- 1 A BILL TO BE ENTITLED
2 AN ACT RELATING TO THE GOVERNANCE OF CATAWBA COUNTY.
3 The General Assembly of North Carolina enacts:
4 Section 1. This act applies to Catawba County only.
5 Section 2. This act is effective when it becomes law.

**1999 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES**

The following report(s) from standing committee(s) is/are presented:

By Representative(s) **CULPEPPER** for the Committee on **RULES, CALENDAR AND OPERATIONS OF THE HOUSE.**

Committee Substitute for

H.B. 210 A BILL TO BE ENTITLED AN ACT RELATING TO THE GOVERNANCE OF CATAWBA COUNTY.

With a favorable report.

With a favorable report and recommendation that the bill be re-referred to the Committee on Appropriations Finance .

With a favorable report, as amended.

With a favorable report, as amended, and recommendation that the bill be re-referred to the Committee on Appropriations Finance .

With a favorable report as to committee substitute bill (#), which changes the title, unfavorable as to (original bill) (Committee Substitute Bill #), (and recommendation that the committee substitute bill #) be re-referred to the Committee on .)

With a favorable report as to House committee substitute bill (#), which changes the title, unfavorable as to Senate committee substitute bill.

With an unfavorable report.

With recommendation that the House concur.

With recommendation that the House do not concur.

With recommendation that the House do not concur; request conferees.

With recommendation that the House concur; committee believes bill to be material.

With an unfavorable report, with a Minority Report attached.

Without prejudice.

With an indefinite postponement report.

With an indefinite postponement report, with a Minority Report attached.

With recommendation that it be adopted. (HOUSE RESOLUTION ONLY)

2/24/99

FOR JOURNAL USE ONLY

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

____ The (committee substitute) bill/resolution (, as amended,) is (ordered engrossed and) re-referred to the Committee on _____.

____ The bill/resolution is re-referred to the Committee on _____.

____ On motion of (Rep. _____,) (the Chair,) the (committee substitute) bill/resolution is (ordered engrossed and) re-referred to the Committee on _____.

____ Pursuant to Rule 36(b), the (House)committee substitute bill (No. ____)/resolution is placed on the Calendar of _____. (The original bill) (House Committee Substitute Bill No. ____)/resolution is placed on the Unfavorable Calendar.

____ On motion of Rep. _____, (the rules are suspended) (Rule ____ is suspended) and the bill/resolution is placed on today's calendar. (for immediate consideration.)

____ On motion of Rep. _____, Committee Amendment No.(s) _____ is/are adopted (by EV _____).

____ On motion of Rep. _____, Committee Amendment No.(s) _____ is/are adopted (by EV _____).

____ Rep. _____ offers Amendment No. _____ which (is adopted.) (fails of adoption.) (by EV _____) () This amendment changes the title.

____ The bill/resolution (, as amended,) passes its second reading (by following vote, _____ RC) (, by EV _____,) and (remains on the Calendar,) (and there being no objection is read a third time).

____ The bill/resolution (, as amended,) passes its third reading (by the following vote, _____ RC) (, by EV _____,) and is ordered _____ sent to the Senate.

____ without engrossment. _____ by Special message.

____ sent to the Senate for concurrence in

____ House amendment (s).

____ House committee substitute.

____ enrolled.

____ On motion of Rep. _____, the House concurs in the (material) Senate _____ (by the following vote, _____ RC) (, by EV _____,) and the bill is ordered enrolled.

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 1999

H

1

HOUSE BILL 211

Short Title: Caldwell County Local Act.

(Local)

Sponsors: Representatives Thompson and Buchanan.

Referred to: Rules, Calendar and Operations of the House.

March 2, 1999

- 1 A BILL TO BE ENTITLED
2 AN ACT RELATING TO THE GOVERNANCE OF CALDWELL COUNTY.
3 The General Assembly of North Carolina enacts:
4 Section 1. This act applies to Caldwell County only.
5 Section 2. This act is effective when it becomes law.

**1999 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES**

The following report(s) from standing committee(s) is/are presented:

By Representative(s) **CULPEPPER** for the Committee on **RULES, CALENDAR AND OPERATIONS OF THE HOUSE.**

- Committee Substitute for
H.B. 211 A BILL TO BE ENTITLED AN ACT RELATING TO THE GOVERNANCE OF
CALDWELL COUNTY.
- With a favorable report.
- With a favorable report and recommendation that the bill be re-referred to the Committee on
Appropriations Finance .
- With a favorable report, as amended.
- With a favorable report, as amended, and recommendation that the bill be re-referred to the
Committee on Appropriations Finance .
- With a favorable report as to committee substitute bill (#), which changes the title,
unfavorable as to (original bill) (Committee Substitute Bill #), (and recommendation
that the committee substitute bill #) be re-referred to the Committee on .)
- With a favorable report as to House committee substitute bill (#), which changes
the title, unfavorable as to Senate committee substitute bill.
- With an unfavorable report.
- With recommendation that the House concur.
- With recommendation that the House do not concur.
- With recommendation that the House do not concur; request conferees.
- With recommendation that the House concur; committee believes bill to be material.
- With an unfavorable report, with a Minority Report attached.
- Without prejudice.
- With an indefinite postponement report.
- With an indefinite postponement report, with a Minority Report attached.
- With recommendation that it be adopted. (HOUSE RESOLUTION ONLY)

2/24/99

FOR JOURNAL USE ONLY

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

____ The (committee substitute) bill/resolution (, as amended,) is (ordered engrossed and) re-referred to the Committee on _____.

____ The bill/resolution is re-referred to the Committee on _____.

____ On motion of (Rep. _____,) (the Chair,) the (committee substitute) bill/resolution is (ordered engrossed and) re-referred to the Committee on _____.

____ Pursuant to Rule 36(b), the (House)committee substitute bill (No. ____)/resolution is placed on the Calendar of _____. (The original bill) (House Committee Substitute Bill No. ____)/resolution is placed on the Unfavorable Calendar.

____ On motion of Rep. _____, (the rules are suspended) (Rule ____ is suspended) and the bill/resolution is placed on today's calendar. (for immediate consideration.)

____ On motion of Rep. _____, Committee Amendment No.(s) _____ is/are adopted (by EV _____).

____ On motion of Rep. _____, Committee Amendment No.(s) _____ is/are adopted (by EV _____).

____ Rep. _____ offers Amendment No. ____ which (is adopted.) (fails of adoption.) (by EV _____.) () This amendment changes the title.

____ The bill/resolution (, as amended,) passes its second reading (by following vote, ____ RC) (, by EV _____,) and (remains on the Calendar,) (and there being no objection is read a third time).

____ The bill/resolution (, as amended,) passes its third reading (by the following vote, ____ RC) (, by EV _____,) and is ordered
____ sent to the Senate.
____ without engrossment. ____ by Special message.
____ sent to the Senate for concurrence in
____ House amendment (s).
____ House committee substitute.
____ enrolled.

____ On motion of Rep. _____, the House concurs in the (material) Senate _____ (by the following vote, ____ RC) (, by EV _____,) and the bill is ordered enrolled.

**1999 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES**

The following report(s) from standing committee(s) is/are presented:

By Representative(s) **CULPEPPER** for the Committee on **RULES, CALENDAR AND OPERATIONS OF THE HOUSE.**

Committee Substitute for

H.B. 212 A BILL TO BE ENTITLED AN ACT RELATING TO THE TOWN OF SPRUCE PINE.

- With a favorable report.
- With a favorable report and recommendation that the bill be re-referred to the Committee on Appropriations Finance .
- With a favorable report, as amended.
- With a favorable report, as amended, and recommendation that the bill be re-referred to the Committee on Appropriations Finance .
- With a favorable report as to committee substitute bill (#), which changes the title, unfavorable as to (original bill) (Committee Substitute Bill #), (and recommendation that the committee substitute bill #) be re-referred to the Committee on).
- With a favorable report as to House committee substitute bill (#), which changes the title, unfavorable as to Senate committee substitute bill.
- With an unfavorable report.
- With recommendation that the House concur.
- With recommendation that the House do not concur.
- With recommendation that the House do not concur; request conferees.
- With recommendation that the House concur; committee believes bill to be material.
- With an unfavorable report, with a Minority Report attached.
- Without prejudice.
- With an indefinite postponement report.
- With an indefinite postponement report, with a Minority Report attached.
- With recommendation that it be adopted. (HOUSE RESOLUTION ONLY)

2/24/99

FOR JOURNAL USE ONLY

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

____ The (committee substitute) bill/resolution (, as amended,) is (ordered engrossed and) re-referred to the Committee on _____.

____ The bill/resolution is re-referred to the Committee on _____.

____ On motion of (Rep. _____,) (the Chair,) the (committee substitute) bill/resolution is (ordered engrossed and) re-referred to the Committee on _____.

____ Pursuant to Rule 36(b), the (House)committee substitute bill (No. ____)/resolution is placed on the Calendar of _____. (The original bill) (House Committee Substitute Bill No. ____)/resolution is placed on the Unfavorable Calendar.

____ On motion of Rep. _____, (the rules are suspended) (Rule ____ is suspended) and the bill/resolution is placed on today's calendar. (for immediate consideration.)

____ On motion of Rep. _____, Committee Amendment No.(s) _____ is/are adopted (by EV _____).

____ On motion of Rep. _____, Committee Amendment No.(s) _____ is/are adopted (by EV _____).

____ Rep. _____ offers Amendment No. _____ which (is adopted.) (fails of adoption.) (by EV _____.) () This amendment changes the title.

____ The bill/resolution (, as amended,) passes its second reading (by following vote, _____ RC) (, by EV _____,) and (remains on the Calendar,) (and there being no objection is read a third time).

____ The bill/resolution (, as amended,) passes its third reading (by the following vote, _____ RC) (, by EV _____,) and is ordered
____ sent to the Senate.
____ without engrossment. _____ by Special message.
____ sent to the Senate for concurrence in
____ House amendment (s).
____ House committee substitute.
____ enrolled.

____ On motion of Rep. _____, the House concurs in the (material) Senate _____ (by the following vote, _____ RC) (, by EV _____,) and the bill is ordered enrolled.

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1999

H

1

HOUSE BILL 217

Short Title: Buncombe Local Act.

(Local)

Sponsors: Representative Cansler.

Referred to: Rules, Calendar and Operations of the House.

March 3, 1999

- 1 A BILL TO BE ENTITLED
2 AN ACT RELATING TO BUNCOMBE COUNTY AND TO THE
3 INCORPORATED MUNICIPALITIES IN THAT COUNTY.
4 The General Assembly of North Carolina enacts:
5 Section 1. This act relates to Buncombe County and to the incorporated
6 municipalities in that County.
7 Section 2. This act is effective when it become law.

**1999 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES**

The following report(s) from standing committee(s) is/are presented:

By Representative(s) **CULPEPPER** for the Committee on **RULES, CALENDAR AND OPERATIONS OF THE HOUSE.**

Committee Substitute for

H.B. 217 A BILL TO BE ENTITLED AN ACT RELATING TO BUNCOMBE COUNTY AND TO THE INCORPORATED MUNICIPALITIES IN THAT COUNTY.

- With a favorable report.
- With a favorable report and recommendation that the bill be re-referred to the Committee on Appropriations Finance .
- With a favorable report, as amended.
- With a favorable report, as amended, and recommendation that the bill be re-referred to the Committee on Appropriations Finance .
- With a favorable report as to committee substitute bill (#), which changes the title, unfavorable as to (original bill) (Committee Substitute Bill #), (and recommendation that the committee substitute bill #) be re-referred to the Committee on .)
- With a favorable report as to House committee substitute bill (#), which changes the title, unfavorable as to Senate committee substitute bill.
- With an unfavorable report.
- With recommendation that the House concur.
- With recommendation that the House do not concur.
- With recommendation that the House do not concur; request conferees.
- With recommendation that the House concur; committee believes bill to be material.
- With an unfavorable report, with a Minority Report attached.
- Without prejudice.
- With an indefinite postponement report.
- With an indefinite postponement report, with a Minority Report attached.
- With recommendation that it be adopted. (HOUSE RESOLUTION ONLY)

2/24/99

FOR JOURNAL USE ONLY

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

____ The (committee substitute) bill/resolution (, as amended,) is (ordered engrossed and) re-referred to the Committee on _____.

____ The bill/resolution is re-referred to the Committee on _____.

____ On motion of (Rep. _____,) (the Chair,) the (committee substitute) bill/resolution is (ordered engrossed and) re-referred to the Committee on _____.

____ Pursuant to Rule 36(b), the (House)committee substitute bill (No. ____)/resolution is placed on the Calendar of _____. (The original bill) (House Committee Substitute Bill No. ____)/resolution is placed on the Unfavorable Calendar.

____ On motion of Rep. _____, (the rules are suspended) (Rule ____ is suspended) and the bill/resolution is placed on today's calendar. (for immediate consideration.)

____ On motion of Rep. _____, Committee Amendment No.(s) _____ is/are adopted (by EV _____).

____ On motion of Rep. _____, Committee Amendment No.(s) _____ is/are adopted (by EV _____).

____ Rep. _____ offers Amendment No. _____ which (is adopted.) (fails of adoption.) (by EV _____.) () This amendment changes the title.

____ The bill/resolution (, as amended,) passes its second reading (by following vote, _____ RC) (, by EV _____,) and (remains on the Calendar,) (and there being no objection is read a third time).

____ The bill/resolution (, as amended,) passes its third reading (by the following vote, _____ RC) (, by EV _____,) and is ordered
____ sent to the Senate.
____ without engrossment. ____ by Special message.
____ sent to the Senate for concurrence in
____ House amendment (s).
____ House committee substitute.
____ enrolled.

____ On motion of Rep. _____, the House concurs in the (material) Senate _____ (by the following vote, _____ RC) (, by EV _____,) and the bill is ordered enrolled.

**1999 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES**

The following report(s) from standing committee(s) is/are presented:

By Representative(s) **CULPEPPER** for the Committee on **RULES, CALENDAR AND
OPERATIONS OF THE HOUSE.**

- Committee Substitute for
H.B. 218 A BILL TO BE ENTITLED AN ACT RELATING TO BUNCOMBE COUNTY
AND TO THE MUNICIPALITIES IN THAT COUNTY.
- With a favorable report.
- With a favorable report and recommendation that the bill be re-referred to the Committee on
Appropriations Finance .
- With a favorable report, as amended.
- With a favorable report, as amended, and recommendation that the bill be re-referred to the
Committee on Appropriations Finance .
- With a favorable report as to committee substitute bill (#), which changes the title,
unfavorable as to (original bill) (Committee Substitute Bill #), (and recommendation
that the committee substitute bill #) be re-referred to the Committee on .)
- With a favorable report as to House committee substitute bill (#), which changes
the title, unfavorable as to Senate committee substitute bill.
- With an unfavorable report.
- With recommendation that the House concur.
- With recommendation that the House do not concur.
- With recommendation that the House do not concur; request conferees.
- With recommendation that the House concur; committee believes bill to be material.
- With an unfavorable report, with a Minority Report attached.
- Without prejudice.
- With an indefinite postponement report.
- With an indefinite postponement report, with a Minority Report attached.
- With recommendation that it be adopted. (HOUSE RESOLUTION ONLY)

2/24/99

FOR JOURNAL USE ONLY

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

____ The (committee substitute) bill/resolution (, as amended,) is (ordered engrossed and) re-referred to the Committee on _____.

____ The bill/resolution is re-referred to the Committee on _____.

____ On motion of (Rep. _____,) (the Chair,) the (committee substitute) bill/resolution is (ordered engrossed and) re-referred to the Committee on _____.

____ Pursuant to Rule 36(b), the (House)committee substitute bill (No. ____)/resolution is placed on the Calendar of _____. (The original bill) (House Committee Substitute Bill No. ____)/resolution is placed on the Unfavorable Calendar.

____ On motion of Rep. _____, (the rules are suspended) (Rule ____ is suspended) and the bill/resolution is placed on today's calendar. (for immediate consideration.)

____ On motion of Rep. _____, Committee Amendment No.(s) _____ is/are adopted (by EV _____).

____ On motion of Rep. _____, Committee Amendment No.(s) _____ is/are adopted (by EV _____).

____ Rep. _____ offers Amendment No. ____ which (is adopted.) (fails of adoption.) (by EV _____.) () This amendment changes the title.

____ The bill/resolution (, as amended,) passes its second reading (by following vote, ____ RC) (, by EV _____,) and (remains on the Calendar,) (and there being no objection is read a third time).

____ The bill/resolution (, as amended,) passes its third reading (by the following vote, ____ RC) (, by EV _____,) and is ordered
____ sent to the Senate.
____ without engrossment. ____ by Special message.
____ sent to the Senate for concurrence in
____ House amendment (s).
____ House committee substitute.
____ enrolled.

____ On motion of Rep. _____, the House concurs in the (material) Senate _____ (by the following vote, ____ RC) (, by EV _____,) and the bill is ordered enrolled.

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1999

H

1

HOUSE BILL 230

Short Title: Onslow Local Act.

(Local)

Sponsors: Representative Smith.

Referred to: Rules, Calendar and Operations of the House.

March 4, 1999

- 1 A BILL TO BE ENTITLED
2 AN ACT RELATING TO THE GOVERNANCE OF ONSLOW COUNTY.
3 The General Assembly of North Carolina enacts:
4 Section 1. This act applies to Onslow County only.
5 Section 2. This act is effective when it becomes law.

**1999 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES**

The following report(s) from standing committee(s) is/are presented:

By Representative(s) **CULPEPPER** for the Committee on **RULES, CALENDAR AND OPERATIONS OF THE HOUSE.**

Committee Substitute for

H.B. 230 A BILL TO BE ENTITLED AN ACT RELATING TO THE GOVERNANCE OF ONSLOW COUNTY.

- With a favorable report.
- With a favorable report and recommendation that the bill be re-referred to the Committee on Appropriations Finance .
- With a favorable report, as amended.
- With a favorable report, as amended, and recommendation that the bill be re-referred to the Committee on Appropriations Finance .
- With a favorable report as to committee substitute bill (#), which changes the title, unfavorable as to (original bill) (Committee Substitute Bill #), (and recommendation that the committee substitute bill #) be re-referred to the Committee on .)
- With a favorable report as to House committee substitute bill (#), which changes the title, unfavorable as to Senate committee substitute bill.
- With an unfavorable report.
- With recommendation that the House concur.
- With recommendation that the House do not concur.
- With recommendation that the House do not concur; request conferees.
- With recommendation that the House concur; committee believes bill to be material.
- With an unfavorable report, with a Minority Report attached.
- Without prejudice.
- With an indefinite postponement report.
- With an indefinite postponement report, with a Minority Report attached.
- With recommendation that it be adopted. (HOUSE RESOLUTION ONLY)

2/24/99

FOR JOURNAL USE ONLY

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

____ The (committee substitute) bill/resolution (, as amended,) is (ordered engrossed and) re-referred to the Committee on _____.

____ The bill/resolution is re-referred to the Committee on _____.

____ On motion of (Rep. _____,) (the Chair,) the (committee substitute) bill/resolution is (ordered engrossed and) re-referred to the Committee on _____.

____ Pursuant to Rule 36(b), the (House)committee substitute bill (No. ____)/resolution is placed on the Calendar of _____. (The original bill) (House Committee Substitute Bill No. ____)/resolution is placed on the Unfavorable Calendar.

____ On motion of Rep. _____, (the rules are suspended) (Rule ____ is suspended) and the bill/resolution is placed on today's calendar. (for immediate consideration.)

____ On motion of Rep. _____, Committee Amendment No.(s) _____ is/are adopted (by EV _____).

____ On motion of Rep. _____, Committee Amendment No.(s) _____ is/are adopted (by EV _____).

____ Rep. _____ offers Amendment No. ____ which (is adopted.) (fails of adoption.) (by EV _____.) () This amendment changes the title.

____ The bill/resolution (, as amended,) passes its second reading (by following vote, ____ RC) (, by EV _____,) and (remains on the Calendar,) (and there being no objection is read a third time).

____ The bill/resolution (, as amended,) passes its third reading (by the following vote, ____ RC) (, by EV _____,) and is ordered
____ sent to the Senate.
____ without engrossment. ____ by Special message.
____ sent to the Senate for concurrence in
____ House amendment (s).
____ House committee substitute.
____ enrolled.

____ On motion of Rep. _____, the House concurs in the (material) Senate _____ (by the following vote, ____ RC) (, by EV _____,) and the bill is ordered enrolled.

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1999

H

1

HOUSE BILL 231

Short Title: Onslow Local Act.

(Local)

Sponsors: Representative Smith.

Referred to: Rules, Calendar and Operations of the House.

March 4, 1999

- 1 A BILL TO BE ENTITLED
2 AN ACT RELATING TO THE GOVERNANCE OF ONSLOW COUNTY.
3 The General Assembly of North Carolina enacts:
4 Section 1. This act applies to Onslow County only.
5 Section 2. This act is effective when it becomes law.

**1999 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES**

The following report(s) from standing committee(s) is/are presented:

By Representative(s) **CULPEPPER** for the Committee on **RULES, CALENDAR AND
OPERATIONS OF THE HOUSE.**

Committee Substitute for

H.B. 231 A BILL TO BE ENTITLED AN ACT RELATING TO THE GOVERNANCE OF
ONSLow COUNTY.

- With a favorable report.
- With a favorable report and recommendation that the bill be re-referred to the Committee on Appropriations Finance .
- With a favorable report, as amended.
- With a favorable report, as amended, and recommendation that the bill be re-referred to the Committee on Appropriations Finance .
- With a favorable report as to committee substitute bill (#), which changes the title, unfavorable as to (original bill) (Committee Substitute Bill #), (and recommendation that the committee substitute bill #) be re-referred to the Committee on).
- With a favorable report as to House committee substitute bill (#), which changes the title, unfavorable as to Senate committee substitute bill.
- With an unfavorable report.
- With recommendation that the House concur.
- With recommendation that the House do not concur.
- With recommendation that the House do not concur; request conferees.
- With recommendation that the House concur; committee believes bill to be material.
- With an unfavorable report, with a Minority Report attached.
- Without prejudice.
- With an indefinite postponement report.
- With an indefinite postponement report, with a Minority Report attached.
- With recommendation that it be adopted. (HOUSE RESOLUTION ONLY)

2/24/99

FOR JOURNAL USE ONLY

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

____ The (committee substitute) bill/resolution (, as amended,) is (ordered engrossed and) re-referred to the Committee on _____.

____ The bill/resolution is re-referred to the Committee on _____.

____ On motion of (Rep. _____,) (the Chair,) the (committee substitute) bill/resolution is (ordered engrossed and) re-referred to the Committee on _____.

____ Pursuant to Rule 36(b), the (House)committee substitute bill (No. ____)/resolution is placed on the Calendar of _____. (The original bill) (House Committee Substitute Bill No. ____)/resolution is placed on the Unfavorable Calendar.

____ On motion of Rep. _____, (the rules are suspended) (Rule ____ is suspended) and the bill/resolution is placed on today's calendar. (for immediate consideration.)

____ On motion of Rep. _____, Committee Amendment No.(s) _____ is/are adopted (by EV _____).

____ On motion of Rep. _____, Committee Amendment No.(s) _____ is/are adopted (by EV _____).

____ Rep. _____ offers Amendment No. ____ which (is adopted.) (fails of adoption.) (by EV _____.) () This amendment changes the title.

____ The bill/resolution (, as amended,) passes its second reading (by following vote, ____ RC) (, by EV _____,) and (remains on the Calendar,) (and there being no objection is read a third time).

____ The bill/resolution (, as amended,) passes its third reading (by the following vote, ____ RC) (, by EV _____,) and is ordered
____ sent to the Senate.
____ without engrossment. ____ by Special message.
____ sent to the Senate for concurrence in
____ House amendment (s).
____ House committee substitute.
____ enrolled.

____ On motion of Rep. _____, the House concurs in the (material) Senate _____ (by the following vote, ____ RC) (, by EV _____,) and the bill is ordered enrolled.

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1999

H

1

HOUSE BILL 232

Short Title: Carteret Local Act.

(Local)

Sponsors: Representative Smith.

Referred to: Rules, Calendar and Operations of the House.

March 4, 1999

- 1 A BILL TO BE ENTITLED
2 AN ACT RELATING TO THE GOVERNANCE OF CARTERET COUNTY.
3 The General Assembly of North Carolina enacts:
4 Section 1. This act applies to Carteret County only.
5 Section 2. This act is effective when it becomes law.

**1999 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES**

The following report(s) from standing committee(s) is/are presented:

By Representative(s) **CULPEPPER** for the Committee on **RULES, CALENDAR AND
OPERATIONS OF THE HOUSE.**

- Committee Substitute for
H.B. 232 A BILL TO BE ENTITLED AN ACT RELATING TO THE GOVERNANCE OF
CARTERET COUNTY.
- With a favorable report.
- With a favorable report and recommendation that the bill be re-referred to the Committee on
Appropriations Finance .
- With a favorable report, as amended.
- With a favorable report, as amended, and recommendation that the bill be re-referred to the
Committee on Appropriations Finance .
- With a favorable report as to committee substitute bill (#), which changes the title,
unfavorable as to (original bill) (Committee Substitute Bill #), (and recommendation
that the committee substitute bill #) be re-referred to the Committee on .)
- With a favorable report as to House committee substitute bill (#), which changes
the title, unfavorable as to Senate committee substitute bill.
- With an unfavorable report.
- With recommendation that the House concur.
- With recommendation that the House do not concur.
- With recommendation that the House do not concur; request conferees.
- With recommendation that the House concur; committee believes bill to be material.
- With an unfavorable report, with a Minority Report attached.
- Without prejudice.
- With an indefinite postponement report.
- With an indefinite postponement report, with a Minority Report attached.
- With recommendation that it be adopted. (HOUSE RESOLUTION ONLY)

2/24/99

FOR JOURNAL USE ONLY

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

____ The (committee substitute) bill/resolution (, as amended,) is (ordered engrossed and) re-referred to the Committee on _____.

____ The bill/resolution is re-referred to the Committee on _____.

____ On motion of (Rep. _____,) (the Chair,) the (committee substitute) bill/resolution is (ordered engrossed and) re-referred to the Committee on _____.

____ Pursuant to Rule 36(b), the (House)committee substitute bill (No. ____)/resolution is placed on the Calendar of _____. (The original bill) (House Committee Substitute Bill No. ____)/resolution is placed on the Unfavorable Calendar.

____ On motion of Rep. _____, (the rules are suspended) (Rule ____ is suspended) and the bill/resolution is placed on today's calendar. (for immediate consideration.)

____ On motion of Rep. _____, Committee Amendment No.(s) _____ is/are adopted (by EV _____).

____ On motion of Rep. _____, Committee Amendment No.(s) _____ is/are adopted (by EV _____).

____ Rep. _____ offers Amendment No. _____ which (is adopted.) (fails of adoption.) (by EV _____.) () This amendment changes the title.

____ The bill/resolution (, as amended,) passes its second reading (by following vote, _____ RC) (, by EV _____,) and (remains on the Calendar,) (and there being no objection is read a third time).

____ The bill/resolution (, as amended,) passes its third reading (by the following vote, _____ RC) (, by EV _____,) and is ordered
____ sent to the Senate.
____ without engrossment. _____ by Special message.
____ sent to the Senate for concurrence in
____ House amendment (s).
____ House committee substitute.
____ enrolled.

____ On motion of Rep. _____, the House concurs in the (material) Senate _____ (by the following vote, _____ RC) (, by EV _____,) and the bill is ordered enrolled.

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1999

H

1

HOUSE BILL 233

Short Title: Carteret Local Act.

(Local)

Sponsors: Representative Smith.

Referred to: Rules, Calendar and Operations of the House.

March 4, 1999

- 1 A BILL TO BE ENTITLED
2 AN ACT RELATING TO THE GOVERNANCE OF CARTERET COUNTY.
3 The General Assembly of North Carolina enacts:
4 Section 1. This act applies to Carteret County only.
5 Section 2. This act is effective when it becomes law.

**1999 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES**

The following report(s) from standing committee(s) is/are presented:

By Representative(s) **CULPEPPER** for the Committee on **RULES, CALENDAR AND OPERATIONS OF THE HOUSE.**

- Committee Substitute for
H.B. 233 A BILL TO BE ENTITLED AN ACT RELATING TO THE GOVERNANCE OF
CARTERET COUNTY.
- With a favorable report.
- With a favorable report and recommendation that the bill be re-referred to the Committee on
Appropriations Finance .
- With a favorable report, as amended.
- With a favorable report, as amended, and recommendation that the bill be re-referred to the
Committee on Appropriations Finance .
- With a favorable report as to committee substitute bill (#), which changes the title,
unfavorable as to (original bill) (Committee Substitute Bill #), (and recommendation
that the committee substitute bill #) be re-referred to the Committee on .)
- With a favorable report as to House committee substitute bill (#), which changes
the title, unfavorable as to Senate committee substitute bill.
- With an unfavorable report.
- With recommendation that the House concur.
- With recommendation that the House do not concur.
- With recommendation that the House do not concur; request conferees.
- With recommendation that the House concur; committee believes bill to be material.
- With an unfavorable report, with a Minority Report attached.
- Without prejudice.
- With an indefinite postponement report.
- With an indefinite postponement report, with a Minority Report attached.
- With recommendation that it be adopted. (HOUSE RESOLUTION ONLY)

2/24/99

FOR JOURNAL USE ONLY

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

____ The (committee substitute) bill/resolution (, as amended,) is (ordered engrossed and) re-referred to the Committee on _____.

____ The bill/resolution is re-referred to the Committee on _____.

____ On motion of (Rep. _____,) (the Chair,) the (committee substitute) bill/resolution is (ordered engrossed and) re-referred to the Committee on _____.

____ Pursuant to Rule 36(b), the (House)committee substitute bill (No. ____)/resolution is placed on the Calendar of _____. (The original bill) (House Committee Substitute Bill No. ____)/resolution is placed on the Unfavorable Calendar.

____ On motion of Rep. _____, (the rules are suspended) (Rule ____ is suspended) and the bill/resolution is placed on today's calendar. (for immediate consideration.)

____ On motion of Rep. _____, Committee Amendment No.(s) _____ is/are adopted (by EV _____).

____ On motion of Rep. _____, Committee Amendment No.(s) _____ is/are adopted (by EV _____).

____ Rep. _____ offers Amendment No. ____ which (is adopted.) (fails of adoption.) (by EV _____) () This amendment changes the title.

____ The bill/resolution (, as amended,) passes its second reading (by following vote, ____ RC) (, by EV _____,) and (remains on the Calendar,) (and there being no objection is read a third time).

____ The bill/resolution (, as amended,) passes its third reading (by the following vote, ____ RC) (, by EV _____,) and is ordered
____ sent to the Senate.
____ without engrossment. ____ by Special message.
____ sent to the Senate for concurrence in
____ House amendment (s).
____ House committee substitute.
____ enrolled.

____ On motion of Rep. _____, the House concurs in the (material) Senate _____ (by the following vote, ____ RC) (, by EV _____,) and the bill is ordered enrolled.

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1999

H

1

HOUSE BILL 265

Short Title: 33rd House Dist. Local Act-2.

(Local)

Sponsors: Representative Gibson.

Referred to: Rules, Calendar and Operations of the House.

March 4, 1999

- 1 A BILL TO BE ENTITLED
2 AN ACT RELATING TO MUNICIPALITIES IN THE 33RD HOUSE DISTRICT.
3 The General Assembly of North Carolina enacts:
4 Section 1. This act relates to municipalities in the 33rd House District.
5 Section 2. This act is effective when it becomes law.

**1999 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES**

The following report(s) from standing committee(s) is/are presented:

By Representative(s) **CULPEPPER** for the Committee on **RULES, CALENDAR AND
OPERATIONS OF THE HOUSE.**

- Committee Substitute for
H.B. 265 A BILL TO BE ENTITLED AN ACT RELATING TO MUNICIPALITIES IN
THE 33RD HOUSE DISTRICT.
- With a favorable report.
- With a favorable report and recommendation that the bill be re-referred to the Committee on
Appropriations Finance .
- With a favorable report, as amended.
- With a favorable report, as amended, and recommendation that the bill be re-referred to the
Committee on Appropriations Finance .
- With a favorable report as to committee substitute bill (#), which changes the title,
unfavorable as to (original bill) (Committee Substitute Bill #), (and recommendation
that the committee substitute bill #) be re-referred to the Committee on .)
- With a favorable report as to House committee substitute bill (#), which changes
the title, unfavorable as to Senate committee substitute bill.
- With an unfavorable report.
- With recommendation that the House concur.
- With recommendation that the House do not concur.
- With recommendation that the House do not concur; request conferees.
- With recommendation that the House concur; committee believes bill to be material.
- With an unfavorable report, with a Minority Report attached.
- Without prejudice.
- With an indefinite postponement report.
- With an indefinite postponement report, with a Minority Report attached.
- With recommendation that it be adopted. (HOUSE RESOLUTION ONLY)

2/24/99

FOR JOURNAL USE ONLY

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

____ The (committee substitute) bill/resolution (, as amended,) is (ordered engrossed and) re-referred to the Committee on _____.

____ The bill/resolution is re-referred to the Committee on _____.

____ On motion of (Rep. _____,) (the Chair,) the (committee substitute) bill/resolution is (ordered engrossed and) re-referred to the Committee on _____.

____ Pursuant to Rule 36(b), the (House)committee substitute bill (No. _____)/resolution is placed on the Calendar of _____. (The original bill) (House Committee Substitute Bill No. _____)/resolution is placed on the Unfavorable Calendar.

____ On motion of Rep. _____, (the rules are suspended) (Rule _____ is suspended) and the bill/resolution is placed on today's calendar. (for immediate consideration.)

____ On motion of Rep. _____, Committee Amendment No.(s) _____ is/are adopted (by EV _____).

____ On motion of Rep. _____, Committee Amendment No.(s) _____ is/are adopted (by EV _____).

____ Rep. _____ offers Amendment No. _____ which (is adopted.) (fails of adoption.) (by EV _____.) () This amendment changes the title.

____ The bill/resolution (, as amended,) passes its second reading (by following vote, _____ RC) (, by EV _____,) and (remains on the Calendar,) (and there being no objection is read a third time).

____ The bill/resolution (, as amended,) passes its third reading (by the following vote, _____ RC) (, by EV _____,) and is ordered
____ sent to the Senate.
____ without engrossment. _____ by Special message.
____ sent to the Senate for concurrence in
____ House amendment (s).
____ House committee substitute.
____ enrolled.

____ On motion of Rep. _____, the House concurs in the (material) Senate _____ (by the following vote, _____ RC) (, by EV _____,) and the bill is ordered enrolled.

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1999

H

1

HOUSE BILL 266

Short Title: 33rd House Dist. Local Act-1.

(Local)

Sponsors: Representative Gibson.

Referred to: Rules, Calendar and Operations of the House.

March 4, 1999

- 1 A BILL TO BE ENTITLED
2 AN ACT RELATING TO MUNICIPALITIES IN THE 33RD HOUSE DISTRICT.
3 The General Assembly of North Carolina enacts:
4 Section 1. This act relates to municipalities in the 33rd House District.
5 Section 2. This act is effective when it becomes law.

**1999 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES**

The following report(s) from standing committee(s) is/are presented:

By Representative(s) **CULPEPPER** for the Committee on **RULES, CALENDAR AND OPERATIONS OF THE HOUSE**.

- Committee Substitute for
H.B. 266 A BILL TO BE ENTITLED AN ACT RELATING TO MUNICIPALITIES IN
THE 33RD HOUSE DISTRICT.
- With a favorable report.
- With a favorable report and recommendation that the bill be re-referred to the Committee on
Appropriations Finance .
- With a favorable report, as amended.
- With a favorable report, as amended, and recommendation that the bill be re-referred to the
Committee on Appropriations Finance .
- With a favorable report as to committee substitute bill (#), which changes the title,
unfavorable as to (original bill) (Committee Substitute Bill #), (and recommendation
that the committee substitute bill #) be re-referred to the Committee on .)
- With a favorable report as to House committee substitute bill (#), which changes
the title, unfavorable as to Senate committee substitute bill.
- With an unfavorable report.
- With recommendation that the House concur.
- With recommendation that the House do not concur.
- With recommendation that the House do not concur; request conferees.
- With recommendation that the House concur; committee believes bill to be material.
- With an unfavorable report, with a Minority Report attached.
- Without prejudice.
- With an indefinite postponement report.
- With an indefinite postponement report, with a Minority Report attached.
- With recommendation that it be adopted. (HOUSE RESOLUTION ONLY)

2/24/99

FOR JOURNAL USE ONLY

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

____ The (committee substitute) bill/resolution (, as amended,) is (ordered engrossed and) re-referred to the Committee on _____.

____ The bill/resolution is re-referred to the Committee on _____.

____ On motion of (Rep. _____,) (the Chair,) the (committee substitute) bill/resolution is (ordered engrossed and) re-referred to the Committee on _____.

____ Pursuant to Rule 36(b), the (House)committee substitute bill (No. ____)/resolution is placed on the Calendar of _____. (The original bill) (House Committee Substitute Bill No. ____)/resolution is placed on the Unfavorable Calendar.

____ On motion of Rep. _____, (the rules are suspended) (Rule ____ is suspended) and the bill/resolution is placed on today's calendar. (for immediate consideration.)

____ On motion of Rep. _____, Committee Amendment No.(s) _____ is/are adopted (by EV _____).

____ On motion of Rep. _____, Committee Amendment No.(s) _____ is/are adopted (by EV _____).

____ Rep. _____ offers Amendment No. _____ which (is adopted.) (fails of adoption.) (by EV _____.) () This amendment changes the title.

____ The bill/resolution (, as amended,) passes its second reading (by following vote, _____ RC) (, by EV _____,) and (remains on the Calendar,) (and there being no objection is read a third time).

____ The bill/resolution (, as amended,) passes its third reading (by the following vote, _____ RC) (, by EV _____,) and is ordered
____ sent to the Senate.
____ without engrossment. ____ by Special message.
____ sent to the Senate for concurrence in
____ House amendment (s).
____ House committee substitute.
____ enrolled.

____ On motion of Rep. _____, the House concurs in the (material) Senate _____ (by the following vote, _____ RC) (, by EV _____,) and the bill is ordered enrolled.

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 1999

H

1

HOUSE BILL 267

Short Title: 33rd House Dist. Local Act.

(Local)

Sponsors: Representative Gibson.

Referred to: Rules, Calendar and Operations of the House.

March 4, 1999

- 1 A BILL TO BE ENTITLED
2 AN ACT RELATING TO THE 33RD HOUSE DISTRICT.
3 The General Assembly of North Carolina enacts:
4 Section 1. This act relates only to the 33rd House District.
5 Section 2. This act is effective when it becomes law.

**1999 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES**

The following report(s) from standing committee(s) is/are presented:

By Representative(s) **CULPEPPER** for the Committee on **RULES, CALENDAR AND OPERATIONS OF THE HOUSE.**

- Committee Substitute for
H.B. 267 A BILL TO BE ENTITLED AN ACT RELATING TO THE 33RD HOUSE DISTRICT.
- With a favorable report.
- With a favorable report and recommendation that the bill be re-referred to the Committee on Appropriations Finance .
- With a favorable report, as amended.
- With a favorable report, as amended, and recommendation that the bill be re-referred to the Committee on Appropriations Finance .
- With a favorable report as to committee substitute bill (#), which changes the title, unfavorable as to (original bill) (Committee Substitute Bill #), (and recommendation that the committee substitute bill #) be re-referred to the Committee on .)
- With a favorable report as to House committee substitute bill (#), which changes the title, unfavorable as to Senate committee substitute bill.
- With an unfavorable report.
- With recommendation that the House concur.
- With recommendation that the House do not concur.
- With recommendation that the House do not concur; request conferees.
- With recommendation that the House concur; committee believes bill to be material.
- With an unfavorable report, with a Minority Report attached.
- Without prejudice.
- With an indefinite postponement report.
- With an indefinite postponement report, with a Minority Report attached.
- With recommendation that it be adopted. (HOUSE RESOLUTION ONLY)

2/24/99

FOR JOURNAL USE ONLY

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

____ The (committee substitute) bill/resolution (, as amended,) is (ordered engrossed and) re-referred to the Committee on _____.

____ The bill/resolution is re-referred to the Committee on _____.

____ On motion of (Rep. _____,) (the Chair,) the (committee substitute) bill/resolution is (ordered engrossed and) re-referred to the Committee on _____.

____ Pursuant to Rule 36(b), the (House)committee substitute bill (No. ____)/resolution is placed on the Calendar of _____. (The original bill) (House Committee Substitute Bill No. ____)/resolution is placed on the Unfavorable Calendar.

____ On motion of Rep. _____, (the rules are suspended) (Rule ____ is suspended) and the bill/resolution is placed on today's calendar. (for immediate consideration.)

____ On motion of Rep. _____, Committee Amendment No.(s) _____ is/are adopted (by EV _____).

____ On motion of Rep. _____, Committee Amendment No.(s) _____ is/are adopted (by EV _____).

____ Rep. _____ offers Amendment No. _____ which (is adopted.) (fails of adoption.) (by EV _____) () This amendment changes the title.

____ The bill/resolution (, as amended,) passes its second reading (by following vote, _____ RC) (, by EV _____,) and (remains on the Calendar,) (and there being no objection is read a third time).

____ The bill/resolution (, as amended,) passes its third reading (by the following vote, _____ RC) (, by EV _____,) and is ordered
____ sent to the Senate.
____ without engrossment. ____ by Special message.
____ sent to the Senate for concurrence in
____ House amendment (s).
____ House committee substitute.
____ enrolled.

____ On motion of Rep. _____, the House concurs in the (material) Senate _____ (by the following vote, _____ RC) (, by EV _____,) and the bill is ordered enrolled.

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 1999

H

1

HOUSE BILL 268

Short Title: 33rd House Dist. Local Act.

(Local)

Sponsors: Representative Gibson.

Referred to: Rules, Calendar and Operations of the House.

March 4, 1999

- 1 A BILL TO BE ENTITLED
2 AN ACT RELATING TO THE 33RD HOUSE DISTRICT.
3 The General Assembly of North Carolina enacts:
4 Section 1. This act relates only to the 33rd House District.
5 Section 2. This act is effective when it becomes law.

**1999 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES**

The following report(s) from standing committee(s) is/are presented:

By Representative(s) **CULPEPPER** for the Committee on **RULES, CALENDAR AND OPERATIONS OF THE HOUSE.**

Committee Substitute for

H.B. 268 A BILL TO BE ENTITLED AN ACT RELATING TO THE 33RD HOUSE DISTRICT.

- With a favorable report.
- With a favorable report and recommendation that the bill be re-referred to the Committee on Appropriations Finance .
- With a favorable report, as amended.
- With a favorable report, as amended, and recommendation that the bill be re-referred to the Committee on Appropriations Finance .
- With a favorable report as to committee substitute bill (#), which changes the title, unfavorable as to (original bill) (Committee Substitute Bill #), (and recommendation that the committee substitute bill #) be re-referred to the Committee on)
- With a favorable report as to House committee substitute bill (#), which changes the title, unfavorable as to Senate committee substitute bill.
- With an unfavorable report.
- With recommendation that the House concur.
- With recommendation that the House do not concur.
- With recommendation that the House do not concur; request conferees.
- With recommendation that the House concur; committee believes bill to be material.
- With an unfavorable report, with a Minority Report attached.
- Without prejudice.
- With an indefinite postponement report.
- With an indefinite postponement report, with a Minority Report attached.
- With recommendation that it be adopted. (HOUSE RESOLUTION ONLY)

2/24/99

FOR JOURNAL USE ONLY

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

____ The (committee substitute) bill/resolution (, as amended,) is (ordered engrossed and) re-referred to the Committee on _____.

____ The bill/resolution is re-referred to the Committee on _____.

____ On motion of (Rep. _____,) (the Chair,) the (committee substitute) bill/resolution is (ordered engrossed and) re-referred to the Committee on _____.

____ Pursuant to Rule 36(b), the (House)committee substitute bill (No. _____)/resolution is placed on the Calendar of _____. (The original bill) (House Committee Substitute Bill No. _____)/resolution is placed on the Unfavorable Calendar.

____ On motion of Rep. _____, (the rules are suspended) (Rule _____ is suspended) and the bill/resolution is placed on today's calendar. (for immediate consideration.)

____ On motion of Rep. _____, Committee Amendment No.(s) _____ is/are adopted (by EV _____).

____ On motion of Rep. _____, Committee Amendment No.(s) _____ is/are adopted (by EV _____).

____ Rep. _____ offers Amendment No. _____ which (is adopted.) (fails of adoption.) (by EV _____) () This amendment changes the title.

____ The bill/resolution (, as amended,) passes its second reading (by following vote, _____ RC) (, by EV _____,) and (remains on the Calendar,) (and there being no objection is read a third time).

____ The bill/resolution (, as amended,) passes its third reading (by the following vote, _____ RC) (, by EV _____,) and is ordered
____ sent to the Senate.
____ without engrossment. _____ by Special message.
____ sent to the Senate for concurrence in
____ House amendment (s).
____ House committee substitute.
____ enrolled.

____ On motion of Rep. _____, the House concurs in the (material) Senate _____ (by the following vote, _____ RC) (, by EV _____,) and the bill is ordered enrolled.

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 1999

H

1

HOUSE BILL 281

Short Title: Stanly County Local Act.

(Local)

Sponsors: Representative Barbee; and Gibson.

Referred to: Rules, Calendar and Operations of the House.

March 4, 1999

- 1 A BILL TO BE ENTITLED
2 AN ACT RELATING TO THE GOVERNANCE OF STANLY COUNTY.
3 The General Assembly of North Carolina enacts:
4 Section 1. This act applies to Stanly County only.
5 Section 2. This act is effective when it becomes law.

**1999 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES**

The following report(s) from standing committee(s) is/are presented:

By Representative(s) **CULPEPPER** for the Committee on **RULES, CALENDAR AND OPERATIONS OF THE HOUSE.**

Committee Substitute for

H.B. 281 A BILL TO BE ENTITLED AN ACT RELATING TO THE GOVERNANCE OF STANLY COUNTY.

- With a favorable report.
- With a favorable report and recommendation that the bill be re-referred to the Committee on Appropriations Finance .
- With a favorable report, as amended.
- With a favorable report, as amended, and recommendation that the bill be re-referred to the Committee on Appropriations Finance .
- With a favorable report as to committee substitute bill (#), which changes the title, unfavorable as to (original bill) (Committee Substitute Bill #), (and recommendation that the committee substitute bill #) be re-referred to the Committee on .)
- With a favorable report as to House committee substitute bill (#), which changes the title, unfavorable as to Senate committee substitute bill.
- With an unfavorable report.
- With recommendation that the House concur.
- With recommendation that the House do not concur.
- With recommendation that the House do not concur; request conferees.
- With recommendation that the House concur; committee believes bill to be material.
- With an unfavorable report, with a Minority Report attached.
- Without prejudice.
- With an indefinite postponement report.
- With an indefinite postponement report, with a Minority Report attached.
- With recommendation that it be adopted. (HOUSE RESOLUTION ONLY)

2/24/99

FOR JOURNAL USE ONLY

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

____ The (committee substitute) bill/resolution (, as amended,) is (ordered engrossed and) re-referred to the Committee on _____.

____ The bill/resolution is re-referred to the Committee on _____.

____ On motion of (Rep. _____,) (the Chair,) the (committee substitute) bill/resolution is (ordered engrossed and) re-referred to the Committee on _____.

____ Pursuant to Rule 36(b), the (House)committee substitute bill (No. ____)/resolution is placed on the Calendar of _____. (The original bill) (House Committee Substitute Bill No. ____)/resolution is placed on the Unfavorable Calendar.

____ On motion of Rep. _____, (the rules are suspended) (Rule ____ is suspended) and the bill/resolution is placed on today's calendar. (for immediate consideration.)

____ On motion of Rep. _____, Committee Amendment No.(s) _____ is/are adopted (by EV _____).

____ On motion of Rep. _____, Committee Amendment No.(s) _____ is/are adopted (by EV _____).

____ Rep. _____ offers Amendment No. _____ which (is adopted.) (fails of adoption.) (by EV _____) () This amendment changes the title.

____ The bill/resolution (, as amended,) passes its second reading (by following vote, _____ RC) (, by EV _____,) and (remains on the Calendar,) (and there being no objection is read a third time).

____ The bill/resolution (, as amended,) passes its third reading (by the following vote, _____ RC) (, by EV _____,) and is ordered
____ sent to the Senate.
____ without engrossment. _____ by Special message.
____ sent to the Senate for concurrence in
____ House amendment (s).
____ House committee substitute.
____ enrolled.

____ On motion of Rep. _____, the House concurs in the (material) Senate _____ (by the following vote, _____ RC) (, by EV _____,) and the bill is ordered enrolled.

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1999

H

1

HOUSE BILL 282

Short Title: Union County Local Act.

(Local)

Sponsors: Representatives Barbee; and Melton.

Referred to: Rules, Calendar and Operations of the House.

March 4, 1999

- 1 A BILL TO BE ENTITLED
2 AN ACT RELATING TO THE GOVERNANCE OF UNION COUNTY.
3 The General Assembly of North Carolina enacts:
4 Section 1. This act applies to Union County only.
5 Section 2. This act is effective when it becomes law.

**1999 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES**

The following report(s) from standing committee(s) is/are presented:

By Representative(s) **CULPEPPER** for the Committee on **RULES, CALENDAR AND OPERATIONS OF THE HOUSE.**

Committee Substitute for

H.B. 282 A BILL TO BE ENTITLED AN ACT RELATING TO THE GOVERNANCE OF UNION COUNTY.

- With a favorable report.
- With a favorable report and recommendation that the bill be re-referred to the Committee on Appropriations Finance .
- With a favorable report, as amended.
- With a favorable report, as amended, and recommendation that the bill be re-referred to the Committee on Appropriations Finance .
- With a favorable report as to committee substitute bill (#), which changes the title, unfavorable as to (original bill) (Committee Substitute Bill #), (and recommendation that the committee substitute bill #) be re-referred to the Committee on .)
- With a favorable report as to House committee substitute bill (#), which changes the title, unfavorable as to Senate committee substitute bill.
- With an unfavorable report.
- With recommendation that the House concur.
- With recommendation that the House do not concur.
- With recommendation that the House do not concur; request conferees.
- With recommendation that the House concur; committee believes bill to be material.
- With an unfavorable report, with a Minority Report attached.
- Without prejudice.
- With an indefinite postponement report.
- With an indefinite postponement report, with a Minority Report attached.
- With recommendation that it be adopted. (HOUSE RESOLUTION ONLY)

2/24/99

FOR JOURNAL USE ONLY

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

____ The (committee substitute) bill/resolution (, as amended,) is (ordered engrossed and) re-referred to the Committee on _____.

____ The bill/resolution is re-referred to the Committee on _____.

____ On motion of (Rep. _____,) (the Chair,) the (committee substitute) bill/resolution is (ordered engrossed and) re-referred to the Committee on _____.

____ Pursuant to Rule 36(b), the (House)committee substitute bill (No. _____)/resolution is placed on the Calendar of _____. (The original bill) (House Committee Substitute Bill No. _____)/resolution is placed on the Unfavorable Calendar.

____ On motion of Rep. _____, (the rules are suspended) (Rule _____ is suspended) and the bill/resolution is placed on today's calendar. (for immediate consideration.)

____ On motion of Rep. _____, Committee Amendment No.(s) _____ is/are adopted (by EV _____).

____ On motion of Rep. _____, Committee Amendment No.(s) _____ is/are adopted (by EV _____).

____ Rep. _____ offers Amendment No. _____ which (is adopted.) (fails of adoption.) (by EV _____.) () This amendment changes the title.

____ The bill/resolution (, as amended,) passes its second reading (by following vote, _____ RC) (, by EV _____,) and (remains on the Calendar,) (and there being no objection is read a third time).

____ The bill/resolution (, as amended,) passes its third reading (by the following vote, _____ RC) (, by EV _____,) and is ordered _____ sent to the Senate.
____ without engrossment. _____ by Special message.
____ sent to the Senate for concurrence in _____ House amendment (s).
____ House committee substitute.
____ enrolled.

____ On motion of Rep. _____, the House concurs in the (material) Senate _____ (by the following vote, _____ RC) (, by EV _____,) and the bill is ordered enrolled.

**1999 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES**

The following report(s) from standing committee(s) is/are presented:

By Representative(s) **CULPEPPER** for the Committee on **RULES, CALENDAR AND OPERATIONS OF THE HOUSE.**

Committee Substitute for

H.B. 288 A BILL TO BE ENTITLED AN ACT RELATING TO TRANSYLVANIA COUNTY AND THE MUNICIPALITIES LOCATED THEREIN.

- With a favorable report.
- With a favorable report and recommendation that the bill be re-referred to the Committee on Appropriations Finance .
- With a favorable report, as amended.
- With a favorable report, as amended, and recommendation that the bill be re-referred to the Committee on Appropriations Finance .
- With a favorable report as to committee substitute bill (#), which changes the title, unfavorable as to (original bill) (Committee Substitute Bill #), (and recommendation that the committee substitute bill #) be re-referred to the Committee on .)
- With a favorable report as to House committee substitute bill (#), which changes the title, unfavorable as to Senate committee substitute bill.
- With an unfavorable report.
- With recommendation that the House concur.
- With recommendation that the House do not concur.
- With recommendation that the House do not concur; request conferees.
- With recommendation that the House concur; committee believes bill to be material.
- With an unfavorable report, with a Minority Report attached.
- Without prejudice.
- With an indefinite postponement report.
- With an indefinite postponement report, with a Minority Report attached.
- With recommendation that it be adopted. (HOUSE RESOLUTION ONLY)

2/24/99

FOR JOURNAL USE ONLY

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

____ The (committee substitute) bill/resolution (, as amended,) is (ordered engrossed and) re-referred to the Committee on _____.

____ The bill/resolution is re-referred to the Committee on _____.

____ On motion of (Rep. _____,) (the Chair,) the (committee substitute) bill/resolution is (ordered engrossed and) re-referred to the Committee on _____.

____ Pursuant to Rule 36(b), the (House)committee substitute bill (No. ____)/resolution is placed on the Calendar of _____. (The original bill) (House Committee Substitute Bill No. ____)/resolution is placed on the Unfavorable Calendar.

____ On motion of Rep. _____, (the rules are suspended) (Rule ____ is suspended) and the bill/resolution is placed on today's calendar. (for immediate consideration.)

____ On motion of Rep. _____, Committee Amendment No.(s) _____ is/are adopted (by EV _____).

____ On motion of Rep. _____, Committee Amendment No.(s) _____ is/are adopted (by EV _____).

____ Rep. _____ offers Amendment No. _____ which (is adopted.) (fails of adoption.) (by EV _____) () This amendment changes the title.

____ The bill/resolution (, as amended,) passes its second reading (by following vote, _____ RC) (, by EV _____,) and (remains on the Calendar,) (and there being no objection is read a third time).

____ The bill/resolution (, as amended,) passes its third reading (by the following vote, _____ RC) (, by EV _____,) and is ordered
____ sent to the Senate.
____ without engrossment. ____ by Special message.
____ sent to the Senate for concurrence in
____ House amendment (s).
____ House committee substitute.
____ enrolled.

____ On motion of Rep. _____, the House concurs in the (material) Senate
____ (by the following vote, _____ RC) (, by EV _____,) and
the bill is ordered enrolled.

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1999

H

1

HOUSE BILL 289

Short Title: Transylvania County Local Act-2.

(Local)

Sponsors: Representative Walend.

Referred to: Rules, Calendar and Operations of the House.

March 4, 1999

1 A BILL TO BE ENTITLED
2 AN ACT RELATING TO TRANSYLVANIA COUNTY AND THE
3 MUNICIPALITIES LOCATED THEREIN.
4 The General Assembly of North Carolina enacts:
5 Section 1. This act relates to Transylvania County and the municipalities
6 located therein.
7 Section 2. This act is effective when it becomes law.

**1999 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES**

The following report(s) from standing committee(s) is/are presented:

By Representative(s) **CULPEPPER** for the Committee on **RULES, CALENDAR AND OPERATIONS OF THE HOUSE.**

- Committee Substitute for
H.B. 289 A BILL TO BE ENTITLED AN ACT RELATING TO TRANSYLVANIA
COUNTY AND THE MUNICIPALITIES LOCATED THEREIN.
- With a favorable report.
- With a favorable report and recommendation that the bill be re-referred to the Committee on
Appropriations Finance .
- With a favorable report, as amended.
- With a favorable report, as amended, and recommendation that the bill be re-referred to the
Committee on Appropriations Finance .
- With a favorable report as to committee substitute bill (#), which changes the title,
unfavorable as to (original bill) (Committee Substitute Bill #), (and recommendation
that the committee substitute bill #) be re-referred to the Committee on .)
- With a favorable report as to House committee substitute bill (#), which changes
the title, unfavorable as to Senate committee substitute bill.
- With an unfavorable report.
- With recommendation that the House concur.
- With recommendation that the House do not concur.
- With recommendation that the House do not concur; request conferees.
- With recommendation that the House concur; committee believes bill to be material.
- With an unfavorable report, with a Minority Report attached.
- Without prejudice.
- With an indefinite postponement report.
- With an indefinite postponement report, with a Minority Report attached.
- With recommendation that it be adopted. (HOUSE RESOLUTION ONLY)

2/24/99

FOR JOURNAL USE ONLY

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

____ The (committee substitute) bill/resolution (, as amended,) is (ordered engrossed and) re-referred to the Committee on _____.

____ The bill/resolution is re-referred to the Committee on _____.

____ On motion of (Rep. _____,) (the Chair,) the (committee substitute) bill/resolution is (ordered engrossed and) re-referred to the Committee on _____.

____ Pursuant to Rule 36(b), the (House)committee substitute bill (No. _____)/resolution is placed on the Calendar of _____. (The original bill) (House Committee Substitute Bill No. _____)/resolution is placed on the Unfavorable Calendar.

____ On motion of Rep. _____, (the rules are suspended) (Rule _____ is suspended) and the bill/resolution is placed on today's calendar. (for immediate consideration.)

____ On motion of Rep. _____, Committee Amendment No.(s) _____ is/are adopted (by EV _____).

____ On motion of Rep. _____, Committee Amendment No.(s) _____ is/are adopted (by EV _____).

____ Rep. _____ offers Amendment No. _____ which (is adopted.) (fails of adoption.) (by EV _____.) () This amendment changes the title.

____ The bill/resolution (, as amended,) passes its second reading (by following vote, _____ RC) (, by EV _____,) and (remains on the Calendar,) (and there being no objection is read a third time).

____ The bill/resolution (, as amended,) passes its third reading (by the following vote, _____ RC) (, by EV _____,) and is ordered _____ sent to the Senate.
____ without engrossment. _____ by Special message.
____ sent to the Senate for concurrence in _____ House amendment (s).
____ House committee substitute.
____ enrolled.

____ On motion of Rep. _____, the House concurs in the (material) Senate _____ (by the following vote, _____ RC) (, by EV _____,) and the bill is ordered enrolled.

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1999

H

1

HOUSE BILL 348

Short Title: High Point Local Act.

(Local)

Sponsors: Representative Wood.

Referred to: Rules, Calendar and Operations of the House.

March 8, 1999

- 1 A BILL TO BE ENTITLED
2 AN ACT RELATING TO THE CITY OF HIGH POINT.
3 The General Assembly of North Carolina enacts:
4 Section 1. This act applies to the City of High Point only.
5 Section 2. This act is effective when it becomes law.

**1999 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES**

The following report(s) from standing committee(s) is/are presented:

By Representative(s) **Culpepper** for the Committee on **Rules, Calendar and Operations of the House.**

Committee Substitute for

H.B. 348 A BILL TO BE ENTITLED AN ACT RELATING TO THE CITY OF HIGH POINT.

- With a favorable report.
- With a favorable report and recommendation that the bill be re-referred to the Committee on Appropriations Finance .
- With a favorable report, as amended.
- With a favorable report, as amended, and recommendation that the bill be re-referred to the Committee on Appropriations Finance .
- With a favorable report as to committee substitute bill (#), which changes the title, unfavorable as to (original bill) (Committee Substitute Bill #), (and recommendation that the committee substitute bill #) be re-referred to the Committee on .)
- With a favorable report as to House committee substitute bill (#), which changes the title, unfavorable as to Senate committee substitute bill.
- With an unfavorable report.
- With recommendation that the House concur.
- With recommendation that the House do not concur.
- With recommendation that the House do not concur; request conferees.
- With recommendation that the House concur; committee believes bill to be material.
- With an unfavorable report, with a Minority Report attached.
- Without prejudice.
- With an indefinite postponement report.
- With an indefinite postponement report, with a Minority Report attached.
- With recommendation that it be adopted. (HOUSE RESOLUTION ONLY)

2/24/99

FOR JOURNAL USE ONLY

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

____ The (committee substitute) bill/resolution (, as amended,) is (ordered engrossed and) re-referred to the Committee on _____.

____ The bill/resolution is re-referred to the Committee on _____.

____ On motion of (Rep. _____,) (the Chair,) the (committee substitute) bill/resolution is (ordered engrossed and) re-referred to the Committee on _____.

____ Pursuant to Rule 36(b), the (House)committee substitute bill (No. ____)/resolution is placed on the Calendar of _____. (The original bill) (House Committee Substitute Bill No. ____)/resolution is placed on the Unfavorable Calendar.

____ On motion of Rep. _____, (the rules are suspended) (Rule ____ is suspended) and the bill/resolution is placed on today's calendar. (for immediate consideration.)

____ On motion of Rep. _____, Committee Amendment No.(s) _____ is/are adopted (by EV _____).

____ On motion of Rep. _____, Committee Amendment No.(s) _____ is/are adopted (by EV _____).

____ Rep. _____ offers Amendment No. ____ which (is adopted.) (fails of adoption.) (by EV _____.) () This amendment changes the title.

____ The bill/resolution (, as amended,) passes its second reading (by following vote, ____ RC) (, by EV _____,) and (remains on the Calendar,) (and there being no objection is read a third time).

____ The bill/resolution (, as amended,) passes its third reading (by the following vote, ____ RC) (, by EV _____,) and is ordered
____ sent to the Senate.
____ without engrossment. ____ by Special message.
____ sent to the Senate for concurrence in
____ House amendment (s).
____ House committee substitute.
____ enrolled.

____ On motion of Rep. _____, the House concurs in the (material) Senate _____ (by the following vote, ____ RC) (, by EV _____,) and the bill is ordered enrolled.

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1999

H

1

HOUSE BILL 349

Short Title: Guilford County Local Act.

(Local)

Sponsors: Representative Wood.

Referred to: Rules, Calendar and Operations of the House.

March 8, 1999

- 1 A BILL TO BE ENTITLED
2 AN ACT RELATING TO THE GOVERNANCE OF GUILFORD COUNTY.
3 The General Assembly of North Carolina enacts:
4 Section 1. This act applies to Guilford County only.
5 Section 2. This act is effective when it becomes law.

**1999 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES**

The following report(s) from standing committee(s) is/are presented:

By Representative(s) **Culpepper** for the Committee on **Rules, Calendar and Operations of the House.**

Committee Substitute for
H.B. 349 A BILL TO BE ENTITLED AN ACT RELATING TO THE GOVERNANCE OF
GUILFORD COUNTY.

- With a favorable report.
- With a favorable report and recommendation that the bill be re-referred to the Committee on Appropriations Finance .
- With a favorable report, as amended.
- With a favorable report, as amended, and recommendation that the bill be re-referred to the Committee on Appropriations Finance .
- With a favorable report as to committee substitute bill (#), which changes the title, unfavorable as to (original bill) (Committee Substitute Bill #), (and recommendation that the committee substitute bill #) be re-referred to the Committee on .)
- With a favorable report as to House committee substitute bill (#), which changes the title, unfavorable as to Senate committee substitute bill.
- With an unfavorable report.
- With recommendation that the House concur.
- With recommendation that the House do not concur.
- With recommendation that the House do not concur; request conferees.
- With recommendation that the House concur; committee believes bill to be material.
- With an unfavorable report, with a Minority Report attached.
- Without prejudice.
- With an indefinite postponement report.
- With an indefinite postponement report, with a Minority Report attached.
- With recommendation that it be adopted. (HOUSE RESOLUTION ONLY)

2/24/99

FOR JOURNAL USE ONLY

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

____ The (committee substitute) bill/resolution (, as amended,) is (ordered engrossed and) re-referred to the Committee on _____.

____ The bill/resolution is re-referred to the Committee on _____.

____ On motion of (Rep. _____,) (the Chair,) the (committee substitute) bill/resolution is (ordered engrossed and) re-referred to the Committee on _____.

____ Pursuant to Rule 36(b), the (House)committee substitute bill (No. ____)/resolution is placed on the Calendar of _____. (The original bill) (House Committee Substitute Bill No. ____)/resolution is placed on the Unfavorable Calendar.

____ On motion of Rep. _____, (the rules are suspended) (Rule ____ is suspended) and the bill/resolution is placed on today's calendar. (for immediate consideration.)

____ On motion of Rep. _____, Committee Amendment No.(s) _____ is/are adopted (by EV _____).

____ On motion of Rep. _____, Committee Amendment No.(s) _____ is/are adopted (by EV _____).

____ Rep. _____ offers Amendment No. ____ which (is adopted.) (fails of adoption.) (by EV _____.) () This amendment changes the title.

____ The bill/resolution (, as amended,) passes its second reading (by following vote, _____ RC) (, by EV _____,) and (remains on the Calendar,) (and there being no objection is read a third time).

____ The bill/resolution (, as amended,) passes its third reading (by the following vote, _____ RC) (, by EV _____,) and is ordered _____ sent to the Senate.
____ without engrossment. _____ by Special message.
____ sent to the Senate for concurrence in _____ House amendment (s).
____ House committee substitute.
____ enrolled.

____ On motion of Rep. _____, the House concurs in the (material) Senate _____ (by the following vote, _____ RC) (, by EV _____,) and the bill is ordered enrolled.

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1999

H

1

HOUSE BILL 350

Short Title: Davidson County Local Act.

(Local)

Sponsors: Representative Wood.

Referred to: Rules, Calendar and Operations of the House.

March 8, 1999

- 1 A BILL TO BE ENTITLED
2 AN ACT RELATING TO THE GOVERNANCE OF DAVIDSON COUNTY.
3 The General Assembly of North Carolina enacts:
4 Section 1. This act applies to Davidson County only.
5 Section 2. This act is effective when it becomes law.

**1999 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES**

The following report(s) from standing committee(s) is/are presented:

By Representative(s) **Culpepper** for the Committee on **Rules, Calendar and Operations of the House.**

Committee Substitute for
H.B. 350 A BILL TO BE ENTITLED AN ACT RELATING TO THE GOVERNANCE OF
DAVIDSON COUNTY.

- With a favorable report.
- With a favorable report and recommendation that the bill be re-referred to the Committee on Appropriations Finance .
- With a favorable report, as amended.
- With a favorable report, as amended, and recommendation that the bill be re-referred to the Committee on Appropriations Finance .
- With a favorable report as to committee substitute bill (#), which changes the title, unfavorable as to (original bill) (Committee Substitute Bill #), (and recommendation that the committee substitute bill #) be re-referred to the Committee on .)
- With a favorable report as to House committee substitute bill (#), which changes the title, unfavorable as to Senate committee substitute bill.
- With an unfavorable report.
- With recommendation that the House concur.
- With recommendation that the House do not concur.
- With recommendation that the House do not concur; request conferees.
- With recommendation that the House concur; committee believes bill to be material.
- With an unfavorable report, with a Minority Report attached.
- Without prejudice.
- With an indefinite postponement report.
- With an indefinite postponement report, with a Minority Report attached.
- With recommendation that it be adopted. (HOUSE RESOLUTION ONLY)

2/24/99

FOR JOURNAL USE ONLY

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

____ The (committee substitute) bill/resolution (, as amended,) is (ordered engrossed and) re-referred to the Committee on _____.

____ The bill/resolution is re-referred to the Committee on _____.

____ On motion of (Rep. _____,) (the Chair,) the (committee substitute) bill/resolution is (ordered engrossed and) re-referred to the Committee on _____.

____ Pursuant to Rule 36(b), the (House)committee substitute bill (No. ____)/resolution is placed on the Calendar of _____. (The original bill) (House Committee Substitute Bill No. ____)/resolution is placed on the Unfavorable Calendar.

____ On motion of Rep. _____, (the rules are suspended) (Rule ____ is suspended) and the bill/resolution is placed on today's calendar. (for immediate consideration.)

____ On motion of Rep. _____, Committee Amendment No.(s) _____ is/are adopted (by EV _____).

____ On motion of Rep. _____, Committee Amendment No.(s) _____ is/are adopted (by EV _____).

____ Rep. _____ offers Amendment No. _____ which (is adopted.) (fails of adoption.) (by EV _____.) () This amendment changes the title.

____ The bill/resolution (, as amended,) passes its second reading (by following vote, _____ RC) (, by EV _____,) and (remains on the Calendar,) (and there being no objection is read a third time).

____ The bill/resolution (, as amended,) passes its third reading (by the following vote, _____ RC) (, by EV _____,) and is ordered
____ sent to the Senate.
____ without engrossment. _____ by Special message.
____ sent to the Senate for concurrence in
____ House amendment (s).
____ House committee substitute.
____ enrolled.

____ On motion of Rep. _____, the House concurs in the (material) Senate
____ (by the following vote, _____ RC) (, by EV _____,) and
the bill is ordered enrolled.

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1999

H

1

HOUSE BILL 356

Short Title: Cabarrus County Local Act.

(Local)

Sponsors: Representative Barbee.

Referred to: Rules, Calendar and Operations of the House.

March 8, 1999

- 1 A BILL TO BE ENTITLED
2 AN ACT RELATING TO THE GOVERNANCE OF CABARRUS COUNTY.
3 The General Assembly of North Carolina enacts:
4 Section 1. This act applies to Cabarrus County only.
5 Section 2. This act is effective when it becomes law.

**1999 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES**

The following report(s) from standing committee(s) is/are presented:

By Representative(s) **Culpepper** for the Committee on **Rules, Calendar and Operations of the House.**

Committee Substitute for
H.B. 356 A BILL TO BE ENTITLED AN ACT RELATING TO THE GOVERNANCE OF
CABARRUS COUNTY.

- With a favorable report.
- With a favorable report and recommendation that the bill be re-referred to the Committee on Appropriations Finance .
- With a favorable report, as amended.
- With a favorable report, as amended, and recommendation that the bill be re-referred to the Committee on Appropriations Finance .
- With a favorable report as to committee substitute bill (#), which changes the title, unfavorable as to (original bill) (Committee Substitute Bill #), (and recommendation that the committee substitute bill #) be re-referred to the Committee on .)
- With a favorable report as to House committee substitute bill (#), which changes the title, unfavorable as to Senate committee substitute bill.
- With an unfavorable report.
- With recommendation that the House concur.
- With recommendation that the House do not concur.
- With recommendation that the House do not concur; request conferees.
- With recommendation that the House concur; committee believes bill to be material.
- With an unfavorable report, with a Minority Report attached.
- Without prejudice.
- With an indefinite postponement report.
- With an indefinite postponement report, with a Minority Report attached.
- With recommendation that it be adopted. (HOUSE RESOLUTION ONLY)

2/24/99

FOR JOURNAL USE ONLY

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

____ The (committee substitute) bill/resolution (, as amended,) is (ordered engrossed and) re-referred to the Committee on _____.

____ The bill/resolution is re-referred to the Committee on _____.

____ On motion of (Rep. _____,) (the Chair,) the (committee substitute) bill/resolution is (ordered engrossed and) re-referred to the Committee on _____.

____ Pursuant to Rule 36(b), the (House)committee substitute bill (No. ____)/resolution is placed on the Calendar of _____. (The original bill) (House Committee Substitute Bill No. ____)/resolution is placed on the Unfavorable Calendar.

____ On motion of Rep. _____, (the rules are suspended) (Rule ____ is suspended) and the bill/resolution is placed on today's calendar. (for immediate consideration.)

____ On motion of Rep. _____, Committee Amendment No.(s) _____ is/are adopted (by EV _____).

____ On motion of Rep. _____, Committee Amendment No.(s) _____ is/are adopted (by EV _____).

____ Rep. _____ offers Amendment No. ____ which (is adopted.) (fails of adoption.) (by EV _____.) () This amendment changes the title.

____ The bill/resolution (, as amended,) passes its second reading (by following vote, ____ RC) (, by EV _____,) and (remains on the Calendar,) (and there being no objection is read a third time).

____ The bill/resolution (, as amended,) passes its third reading (by the following vote, ____ RC) (, by EV _____,) and is ordered
____ sent to the Senate.
____ without engrossment. ____ by Special message.
____ sent to the Senate for concurrence in
____ House amendment (s).
____ House committee substitute.
____ enrolled.

____ On motion of Rep. _____, the House concurs in the (material) Senate _____ (by the following vote, ____ RC) (, by EV _____,) and the bill is ordered enrolled.

**1999 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES**

The following report(s) from standing committee(s) is/are presented:

By Representative(s) **Culpepper** for the Committee on **Rules, Calendar and Operations of the House.**

- Committee Substitute for
H.B. 359 A BILL TO BE ENTITLED AN ACT RELATING TO CATAWBA COUNTY
AND TO THE MUNICIPALITIES LOCATED IN THAT COUNTY.
- With a favorable report.
- With a favorable report and recommendation that the bill be re-referred to the Committee on Appropriations Finance .
- With a favorable report, as amended.
- With a favorable report, as amended, and recommendation that the bill be re-referred to the Committee on Appropriations Finance .
- With a favorable report as to committee substitute bill (#), which changes the title, unfavorable as to (original bill) (Committee Substitute Bill #), (and recommendation that the committee substitute bill #) be re-referred to the Committee on .)
- With a favorable report as to House committee substitute bill (#), which changes the title, unfavorable as to Senate committee substitute bill.
- With an unfavorable report.
- With recommendation that the House concur.
- With recommendation that the House do not concur.
- With recommendation that the House do not concur; request conferees.
- With recommendation that the House concur; committee believes bill to be material.
- With an unfavorable report, with a Minority Report attached.
- Without prejudice.
- With an indefinite postponement report.
- With an indefinite postponement report, with a Minority Report attached.
- With recommendation that it be adopted. (HOUSE RESOLUTION ONLY)

2/24/99

FOR JOURNAL USE ONLY

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

____ The (committee substitute) bill/resolution (, as amended,) is (ordered engrossed and) re-referred to the Committee on _____.

____ The bill/resolution is re-referred to the Committee on _____.

____ On motion of (Rep. _____,) (the Chair,) the (committee substitute) bill/resolution is (ordered engrossed and) re-referred to the Committee on _____.

____ Pursuant to Rule 36(b), the (House)committee substitute bill (No. ____)/resolution is placed on the Calendar of _____. (The original bill) (House Committee Substitute Bill No. ____)/resolution is placed on the Unfavorable Calendar.

____ On motion of Rep. _____, (the rules are suspended) (Rule ____ is suspended) and the bill/resolution is placed on today's calendar. (for immediate consideration.)

____ On motion of Rep. _____, Committee Amendment No.(s) _____ is/are adopted (by EV _____).

____ On motion of Rep. _____, Committee Amendment No.(s) _____ is/are adopted (by EV _____).

____ Rep. _____ offers Amendment No. ____ which (is adopted.) (fails of adoption.) (by EV _____.) () This amendment changes the title.

____ The bill/resolution (, as amended,) passes its second reading (by following vote, ____ RC) (, by EV _____,) and (remains on the Calendar,) (and there being no objection is read a third time).

____ The bill/resolution (, as amended,) passes its third reading (by the following vote, ____ RC) (, by EV _____,) and is ordered
____ sent to the Senate.
____ without engrossment. ____ by Special message.
____ sent to the Senate for concurrence in
____ House amendment (s).
____ House committee substitute.
____ enrolled.

____ On motion of Rep. _____, the House concurs in the (material) Senate
____ (by the following vote, ____ RC) (, by EV _____,) and
the bill is ordered enrolled.

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 1999

H

1

HOUSE BILL 365

Short Title: Iredell County Local Act.

(Local)

Sponsors: Representative Setzer.

Referred to: Rules, Calendar and Operations of the House.

March 9, 1999

- 1 A BILL TO BE ENTITLED
2 AN ACT RELATING TO IREDELL COUNTY AND TO THE MUNICIPALITIES
3 LOCATED IN THAT COUNTY.
4 The General Assembly of North Carolina enacts:
5 Section 1. This act applies to Iredell County and to the incorporated
6 municipalities located in that county.
7 Section 2. This act is effective when it becomes law.

**1999 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES**

The following report(s) from standing committee(s) is/are presented:

By Representative(s) **Culpepper** for the Committee on **Rules, Calendar and Operations of the House.**

Committee Substitute for
H.B. 365 A BILL TO BE ENTITLED AN ACT RELATING TO IREDELL COUNTY AND
TO THE MUNICIPALITIES LOCATED IN THAT COUNTY.

- With a favorable report.
- With a favorable report and recommendation that the bill be re-referred to the Committee on Appropriations Finance .
- With a favorable report, as amended.
- With a favorable report, as amended, and recommendation that the bill be re-referred to the Committee on Appropriations Finance .
- With a favorable report as to committee substitute bill (#), which changes the title, unfavorable as to (original bill) (Committee Substitute Bill #), (and recommendation that the committee substitute bill #) be re-referred to the Committee on .)
- With a favorable report as to House committee substitute bill (#), which changes the title, unfavorable as to Senate committee substitute bill.
- With an unfavorable report.
- With recommendation that the House concur.
- With recommendation that the House do not concur.
- With recommendation that the House do not concur; request conferees.
- With recommendation that the House concur; committee believes bill to be material.
- With an unfavorable report, with a Minority Report attached.
- Without prejudice.
- With an indefinite postponement report.
- With an indefinite postponement report, with a Minority Report attached.
- With recommendation that it be adopted. (HOUSE RESOLUTION ONLY)

2/24/99

FOR JOURNAL USE ONLY

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

____ The (committee substitute) bill/resolution (, as amended,) is (ordered engrossed and) re-referred to the Committee on _____.

____ The bill/resolution is re-referred to the Committee on _____.

____ On motion of (Rep. _____,) (the Chair,) the (committee substitute) bill/resolution is (ordered engrossed and) re-referred to the Committee on _____.

____ Pursuant to Rule 36(b), the (House)committee substitute bill (No. ____)/resolution is placed on the Calendar of _____. (The original bill) (House Committee Substitute Bill No. ____)/resolution is placed on the Unfavorable Calendar.

____ On motion of Rep. _____, (the rules are suspended) (Rule ____ is suspended) and the bill/resolution is placed on today's calendar. (for immediate consideration.)

____ On motion of Rep. _____, Committee Amendment No.(s) _____ is/are adopted (by EV _____).

____ On motion of Rep. _____, Committee Amendment No.(s) _____ is/are adopted (by EV _____).

____ Rep. _____ offers Amendment No. ____ which (is adopted.) (fails of adoption.) (by EV _____.) () This amendment changes the title.

____ The bill/resolution (, as amended,) passes its second reading (by following vote, ____ RC) (, by EV _____,) and (remains on the Calendar,) (and there being no objection is read a third time).

____ The bill/resolution (, as amended,) passes its third reading (by the following vote, ____ RC) (, by EV _____,) and is ordered
____ sent to the Senate.
____ without engrossment. ____ by Special message.
____ sent to the Senate for concurrence in
____ House amendment (s).
____ House committee substitute.
____ enrolled.

____ On motion of Rep. _____, the House concurs in the (material) Senate _____ (by the following vote, ____ RC) (, by EV _____,) and the bill is ordered enrolled.

**1999 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES**

The following report(s) from standing committee(s) is/are presented:

By Representative(s) **Culpepper** for the Committee on **Rules, Calendar and Operations of the House.**

Committee Substitute for

H.B. 366 A BILL TO BE ENTITLED AN ACT RELATING TO GUILFORD COUNTY.

With a favorable report.

With a favorable report and recommendation that the bill be re-referred to the Committee on Appropriations Finance .

With a favorable report, as amended.

With a favorable report, as amended, and recommendation that the bill be re-referred to the Committee on Appropriations Finance .

With a favorable report as to committee substitute bill (#), which changes the title, unfavorable as to (original bill) (Committee Substitute Bill #), (and recommendation that the committee substitute bill #) be re-referred to the Committee on .)

With a favorable report as to House committee substitute bill (#), which changes the title, unfavorable as to Senate committee substitute bill.

With an unfavorable report.

With recommendation that the House concur.

With recommendation that the House do not concur.

With recommendation that the House do not concur; request conferees.

With recommendation that the House concur; committee believes bill to be material.

With an unfavorable report, with a Minority Report attached.

Without prejudice.

With an indefinite postponement report.

With an indefinite postponement report, with a Minority Report attached.

With recommendation that it be adopted. (HOUSE RESOLUTION ONLY)

2/24/99

FOR JOURNAL USE ONLY

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

____ The (committee substitute) bill/resolution (, as amended,) is (ordered engrossed and) re-referred to the Committee on _____.

____ The bill/resolution is re-referred to the Committee on _____.

____ On motion of (Rep. _____,) (the Chair,) the (committee substitute) bill/resolution is (ordered engrossed and) re-referred to the Committee on _____.

____ Pursuant to Rule 36(b), the (House)committee substitute bill (No. ____)/resolution is placed on the Calendar of _____. (The original bill) (House Committee Substitute Bill No. ____)/resolution is placed on the Unfavorable Calendar.

____ On motion of Rep. _____, (the rules are suspended) (Rule ____ is suspended) and the bill/resolution is placed on today's calendar. (for immediate consideration.)

____ On motion of Rep. _____, Committee Amendment No.(s) _____ is/are adopted (by EV _____).

____ On motion of Rep. _____, Committee Amendment No.(s) _____ is/are adopted (by EV _____).

____ Rep. _____ offers Amendment No. _____ which (is adopted.) (fails of adoption.) (by EV _____.) () This amendment changes the title.

____ The bill/resolution (, as amended,) passes its second reading (by following vote, _____ RC) (, by EV _____,) and (remains on the Calendar,) (and there being no objection is read a third time).

____ The bill/resolution (, as amended,) passes its third reading (by the following vote, _____ RC) (, by EV _____,) and is ordered
____ sent to the Senate.
____ without engrossment. _____ by Special message.
____ sent to the Senate for concurrence in
____ House amendment (s).
____ House committee substitute.
____ enrolled.

____ On motion of Rep. _____, the House concurs in the (material) Senate _____ (by the following vote, _____ RC) (, by EV _____,) and the bill is ordered enrolled.

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 1999

H

1

HOUSE BILL 367

Short Title: Guilford County Local Act-1.

(Local)

Sponsors: Representative Bowie.

Referred to: Rules, Calendar and Operations of the House.

March 9, 1999

- 1 A BILL TO BE ENTITLED
- 2 AN ACT RELATING TO GUILFORD COUNTY.
- 3 The General Assembly of North Carolina enacts:
- 4 Section 1. This act relates to Guilford County.
- 5 Section 2. This act is effective when it becomes law.

**1999 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES**

The following report(s) from standing committee(s) is/are presented:

By Representative(s) **Culpepper** for the Committee on **Rules, Calendar and Operations of the House.**

Committee Substitute for

H.B. 367 A BILL TO BE ENTITLED AN ACT RELATING TO GUILFORD COUNTY.

- With a favorable report.
- With a favorable report and recommendation that the bill be re-referred to the Committee on Appropriations Finance .
- With a favorable report, as amended.
- With a favorable report, as amended, and recommendation that the bill be re-referred to the Committee on Appropriations Finance .
- With a favorable report as to committee substitute bill (# . . .), which changes the title, unfavorable as to (original bill) (Committee Substitute Bill # . . .), (and recommendation that the committee substitute bill # . . .) be re-referred to the Committee on . . .)
- With a favorable report as to House committee substitute bill (# . . .), which changes the title, unfavorable as to Senate committee substitute bill.
- With an unfavorable report.
- With recommendation that the House concur.
- With recommendation that the House do not concur.
- With recommendation that the House do not concur; request conferees.
- With recommendation that the House concur; committee believes bill to be material.
- With an unfavorable report, with a Minority Report attached.
- Without prejudice.
- With an indefinite postponement report.
- With an indefinite postponement report, with a Minority Report attached.
- With recommendation that it be adopted. (HOUSE RESOLUTION ONLY)

2/24/99

FOR JOURNAL USE ONLY

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

____ The (committee substitute) bill/resolution (, as amended,) is (ordered engrossed and) re-referred to the Committee on _____.

____ The bill/resolution is re-referred to the Committee on _____.

____ On motion of (Rep. _____,) (the Chair,) the (committee substitute) bill/resolution is (ordered engrossed and) re-referred to the Committee on _____.

____ Pursuant to Rule 36(b), the (House)committee substitute bill (No. ____)/resolution is placed on the Calendar of _____. (The original bill) (House Committee Substitute Bill No. ____)/resolution is placed on the Unfavorable Calendar.

____ On motion of Rep. _____, (the rules are suspended) (Rule ____ is suspended) and the bill/resolution is placed on today's calendar. (for immediate consideration.)

____ On motion of Rep. _____, Committee Amendment No.(s) _____ is/are adopted (by EV _____).

____ On motion of Rep. _____, Committee Amendment No.(s) _____ is/are adopted (by EV _____).

____ Rep. _____ offers Amendment No. _____ which (is adopted.) (fails of adoption.) (by EV _____.) () This amendment changes the title.

____ The bill/resolution (, as amended,) passes its second reading (by following vote, _____ RC) (, by EV _____,) and (remains on the Calendar,) (and there being no objection is read a third time).

____ The bill/resolution (, as amended,) passes its third reading (by the following vote, _____ RC) (, by EV _____,) and is ordered
____ sent to the Senate.
____ without engrossment. ____ by Special message.
____ sent to the Senate for concurrence in
____ House amendment (s).
____ House committee substitute.
____ enrolled.

____ On motion of Rep. _____, the House concurs in the (material) Senate
____ (by the following vote, _____ RC) (, by EV _____,) and
the bill is ordered enrolled.

**1999 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES**

The following report(s) from standing committee(s) is/are presented:

By Representative(s) **Culpepper** for the Committee on **Rules, Calendar and Operations of the House.**

Committee Substitute for

H.B. 368 A BILL TO BE ENTITLED AN ACT RELATING TO THE CITY OF GREENSBORO.

- With a favorable report.
- With a favorable report and recommendation that the bill be re-referred to the Committee on Appropriations Finance .
- With a favorable report, as amended.
- With a favorable report, as amended, and recommendation that the bill be re-referred to the Committee on Appropriations Finance .
- With a favorable report as to committee substitute bill (#), which changes the title, unfavorable as to (original bill) (Committee Substitute Bill #), (and recommendation that the committee substitute bill #) be re-referred to the Committee on .)
- With a favorable report as to House committee substitute bill (#), which changes the title, unfavorable as to Senate committee substitute bill.
- With an unfavorable report.
- With recommendation that the House concur.
- With recommendation that the House do not concur.
- With recommendation that the House do not concur; request conferees.
- With recommendation that the House concur; committee believes bill to be material.
- With an unfavorable report, with a Minority Report attached.
- Without prejudice.
- With an indefinite postponement report.
- With an indefinite postponement report, with a Minority Report attached.
- With recommendation that it be adopted. (HOUSE RESOLUTION ONLY)

2/24/99

FOR JOURNAL USE ONLY

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

____ The (committee substitute) bill/resolution (, as amended,) is (ordered engrossed and) re-referred to the Committee on _____.

____ The bill/resolution is re-referred to the Committee on _____.

____ On motion of (Rep. _____,) (the Chair,) the (committee substitute) bill/resolution is (ordered engrossed and) re-referred to the Committee on _____.

____ Pursuant to Rule 36(b), the (House)committee substitute bill (No. ____)/resolution is placed on the Calendar of _____. (The original bill) (House Committee Substitute Bill No. ____)/resolution is placed on the Unfavorable Calendar.

____ On motion of Rep. _____, (the rules are suspended) (Rule ____ is suspended) and the bill/resolution is placed on today's calendar. (for immediate consideration.)

____ On motion of Rep. _____, Committee Amendment No.(s) _____ is/are adopted (by EV _____).

____ On motion of Rep. _____, Committee Amendment No.(s) _____ is/are adopted (by EV _____).

____ Rep. _____ offers Amendment No. _____ which (is adopted.) (fails of adoption.) (by EV _____) () This amendment changes the title.

____ The bill/resolution (, as amended,) passes its second reading (by following vote, _____ RC) (, by EV _____,) and (remains on the Calendar,) (and there being no objection is read a third time).

____ The bill/resolution (, as amended,) passes its third reading (by the following vote, _____ RC) (, by EV _____,) and is ordered
____ sent to the Senate.
____ without engrossment. _____ by Special message.
____ sent to the Senate for concurrence in
____ House amendment (s).
____ House committee substitute.
____ enrolled.

____ On motion of Rep. _____, the House concurs in the (material) Senate _____ (by the following vote, _____ RC) (, by EV _____,) and the bill is ordered enrolled.

**1999 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES**

The following report(s) from standing committee(s) is/are presented:

By Representative(s) **CULPEPPER** for the Committee on **RULES, CALENDAR AND
OPERATIONS OF THE HOUSE.**

Committee Substitute for
H.B. 380 A BILL TO BE ENTITLED AN ACT RELATING TO THE GOVERNANCE OF
RUTHERFORD COUNTY.

- With a favorable report.
- With a favorable report and recommendation that the bill be re-referred to the Committee on Appropriations Finance .
- With a favorable report, as amended.
- With a favorable report, as amended, and recommendation that the bill be re-referred to the Committee on Appropriations Finance .
- With a favorable report as to committee substitute bill (#), which changes the title, unfavorable as to (original bill) (Committee Substitute Bill #), (and recommendation that the committee substitute bill #) be re-referred to the Committee on .)
- With a favorable report as to House committee substitute bill (#), which changes the title, unfavorable as to Senate committee substitute bill.
- With an unfavorable report.
- With recommendation that the House concur.
- With recommendation that the House do not concur.
- With recommendation that the House do not concur; request conferees.
- With recommendation that the House concur; committee believes bill to be material.
- With an unfavorable report, with a Minority Report attached.
- Without prejudice.
- With an indefinite postponement report.
- With an indefinite postponement report, with a Minority Report attached.
- With recommendation that it be adopted. (HOUSE RESOLUTION ONLY)

2/24/99

FOR JOURNAL USE ONLY

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

____ The (committee substitute) bill/resolution (, as amended,) is (ordered engrossed and) re-referred to the Committee on _____.

____ The bill/resolution is re-referred to the Committee on _____.

____ On motion of (Rep. _____,) (the Chair,) the (committee substitute) bill/resolution is (ordered engrossed and) re-referred to the Committee on _____.

____ Pursuant to Rule 36(b), the (House)committee substitute bill (No. ____)/resolution is placed on the Calendar of _____. (The original bill) (House Committee Substitute Bill No. ____)/resolution is placed on the Unfavorable Calendar.

____ On motion of Rep. _____, (the rules are suspended) (Rule ____ is suspended) and the bill/resolution is placed on today's calendar. (for immediate consideration.)

____ On motion of Rep. _____, Committee Amendment No.(s) _____ is/are adopted (by EV _____).

____ On motion of Rep. _____, Committee Amendment No.(s) _____ is/are adopted (by EV _____).

____ Rep. _____ offers Amendment No. ____ which (is adopted.) (fails of adoption.) (by EV _____.) () This amendment changes the title.

____ The bill/resolution (, as amended,) passes its second reading (by following vote, ____ RC) (, by EV _____,) and (remains on the Calendar,) (and there being no objection is read a third time).

____ The bill/resolution (, as amended,) passes its third reading (by the following vote, ____ RC) (, by EV _____,) and is ordered
____ sent to the Senate.
____ without engrossment. ____ by Special message.
____ sent to the Senate for concurrence in
____ House amendment (s).
____ House committee substitute.
____ enrolled.

____ On motion of Rep. _____, the House concurs in the (material) Senate _____ (by the following vote, ____ RC) (, by EV _____,) and the bill is ordered enrolled.

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1999

H

1

HOUSE BILL 381

Short Title: Cleveland County Local Act.

(Local)

Sponsors: Representative Dedmon.

Referred to: Rules, Calendar and Operations of the House.

March 10, 1999

- 1 A BILL TO BE ENTITLED
2 AN ACT RELATING TO THE GOVERNANCE OF CLEVELAND COUNTY.
3 The General Assembly of North Carolina enacts:
4 Section 1. This act applies to Cleveland County only.
5 Section 2. This act is effective when it becomes law.

**1999 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES**

The following report(s) from standing committee(s) is/are presented:

By Representative(s) **CULPEPPER** for the Committee on **RULES, CALENDAR AND OPERATIONS OF THE HOUSE.**

Committee Substitute for

H.B. 381 A BILL TO BE ENTITLED AN ACT RELATING TO THE GOVERNANCE OF CLEVELAND COUNTY.

- With a favorable report.
- With a favorable report and recommendation that the bill be re-referred to the Committee on Appropriations Finance .
- With a favorable report, as amended.
- With a favorable report, as amended, and recommendation that the bill be re-referred to the Committee on Appropriations Finance .
- With a favorable report as to committee substitute bill (#), which changes the title, unfavorable as to (original bill) (Committee Substitute Bill #), (and recommendation that the committee substitute bill #) be re-referred to the Committee on .)
- With a favorable report as to House committee substitute bill (#), which changes the title, unfavorable as to Senate committee substitute bill.
- With an unfavorable report.
- With recommendation that the House concur.
- With recommendation that the House do not concur.
- With recommendation that the House do not concur; request conferees.
- With recommendation that the House concur; committee believes bill to be material.
- With an unfavorable report, with a Minority Report attached.
- Without prejudice.
- With an indefinite postponement report.
- With an indefinite postponement report, with a Minority Report attached.
- With recommendation that it be adopted. (HOUSE RESOLUTION ONLY)

2/24/99

FOR JOURNAL USE ONLY

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

____ The (committee substitute) bill/resolution (, as amended,) is (ordered engrossed and) re-referred to the Committee on _____.

____ The bill/resolution is re-referred to the Committee on _____.

____ On motion of (Rep. _____,) (the Chair,) the (committee substitute) bill/resolution is (ordered engrossed and) re-referred to the Committee on _____.

____ Pursuant to Rule 36(b), the (House)committee substitute bill (No. ____)/resolution is placed on the Calendar of _____. (The original bill) (House Committee Substitute Bill No. ____)/resolution is placed on the Unfavorable Calendar.

____ On motion of Rep. _____, (the rules are suspended) (Rule ____ is suspended) and the bill/resolution is placed on today's calendar. (for immediate consideration.)

____ On motion of Rep. _____, Committee Amendment No.(s) _____ is/are adopted (by EV _____).

____ On motion of Rep. _____, Committee Amendment No.(s) _____ is/are adopted (by EV _____).

____ Rep. _____ offers Amendment No. ____ which (is adopted.) (fails of adoption.) (by EV _____) () This amendment changes the title.

____ The bill/resolution (, as amended,) passes its second reading (by following vote, _____ RC) (, by EV _____,) and (remains on the Calendar,) (and there being no objection is read a third time).

____ The bill/resolution (, as amended,) passes its third reading (by the following vote, _____ RC) (, by EV _____,) and is ordered
____ sent to the Senate.
____ without engrossment. _____ by Special message.
____ sent to the Senate for concurrence in
____ House amendment (s).
____ House committee substitute.
____ enrolled.

____ On motion of Rep. _____, the House concurs in the (material) Senate _____ (by the following vote, _____ RC) (, by EV _____,) and the bill is ordered enrolled.

**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 1999**

H

1

HOUSE BILL 382

Short Title: Cleveland County Local Act.

(Local)

Sponsors: Representative Dedmon.

Referred to: Rules, Calendar and Operations of the House.

March 10, 1999

- 1 A BILL TO BE ENTITLED
2 AN ACT RELATING TO THE GOVERNANCE OF CLEVELAND COUNTY.
3 The General Assembly of North Carolina enacts:
4 Section 1. This act applies to Cleveland County only.
5 Section 2. This act is effective when it becomes law.

**1999 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES**

The following report(s) from standing committee(s) is/are presented:

By Representative(s) **CULPEPPER** for the Committee on **RULES, CALENDAR AND OPERATIONS OF THE HOUSE.**

Committee Substitute for

H.B. 382 A BILL TO BE ENTITLED AN ACT RELATING TO THE GOVERNANCE OF CLEVELAND COUNTY.

- With a favorable report.
- With a favorable report and recommendation that the bill be re-referred to the Committee on Appropriations Finance .
- With a favorable report, as amended.
- With a favorable report, as amended, and recommendation that the bill be re-referred to the Committee on Appropriations Finance .
- With a favorable report as to committee substitute bill (#), which changes the title, unfavorable as to (original bill) (Committee Substitute Bill #), (and recommendation that the committee substitute bill #) be re-referred to the Committee on .)
- With a favorable report as to House committee substitute bill (#), which changes the title, unfavorable as to Senate committee substitute bill.
- With an unfavorable report.
- With recommendation that the House concur.
- With recommendation that the House do not concur.
- With recommendation that the House do not concur; request conferees.
- With recommendation that the House concur; committee believes bill to be material.
- With an unfavorable report, with a Minority Report attached.
- Without prejudice.
- With an indefinite postponement report.
- With an indefinite postponement report, with a Minority Report attached.
- With recommendation that it be adopted. (HOUSE RESOLUTION ONLY)

2/24/99

FOR JOURNAL USE ONLY

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

____ The (committee substitute) bill/resolution (, as amended,) is (ordered engrossed and) re-referred to the Committee on _____.

____ The bill/resolution is re-referred to the Committee on _____.

____ On motion of (Rep. _____,) (the Chair,) the (committee substitute) bill/resolution is (ordered engrossed and) re-referred to the Committee on _____.

____ Pursuant to Rule 36(b), the (House)committee substitute bill (No. _____)/resolution is placed on the Calendar of _____. (The original bill) (House Committee Substitute Bill No. _____)/resolution is placed on the Unfavorable Calendar.

____ On motion of Rep. _____, (the rules are suspended) (Rule ____ is suspended) and the bill/resolution is placed on today's calendar. (for immediate consideration.)

____ On motion of Rep. _____, Committee Amendment No.(s) _____ is/are adopted (by EV _____).

____ On motion of Rep. _____, Committee Amendment No.(s) _____ is/are adopted (by EV _____).

____ Rep. _____ offers Amendment No. _____ which (is adopted.) (fails of adoption.) (by EV _____.) () This amendment changes the title.

____ The bill/resolution (, as amended,) passes its second reading (by following vote, _____ RC) (, by EV _____,) and (remains on the Calendar,) (and there being no objection is read a third time).

____ The bill/resolution (, as amended,) passes its third reading (by the following vote, _____ RC) (, by EV _____,) and is ordered _____ sent to the Senate.
____ without engrossment. _____ by Special message.
____ sent to the Senate for concurrence in _____ House amendment (s).
____ House committee substitute.
____ enrolled.

____ On motion of Rep. _____, the House concurs in the (material) Senate _____ (by the following vote, _____ RC) (, by EV _____,) and the bill is ordered enrolled.

**1999 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES**

The following report(s) from standing committee(s) is/are presented:

By Representative(s) **CULPEPPER** for the Committee on **RULES, CALENDAR AND
OPERATIONS OF THE HOUSE.**

- Committee Substitute for
H.B. 383 A BILL TO BE ENTITLED AN ACT RELATING TO THE TOWN OF
MATTHEWS.
- With a favorable report.
- With a favorable report and recommendation that the bill be re-referred to the Committee on
Appropriations Finance .
- With a favorable report, as amended.
- With a favorable report, as amended, and recommendation that the bill be re-referred to the
Committee on Appropriations Finance .
- With a favorable report as to committee substitute bill (#), which changes the title,
unfavorable as to (original bill) (Committee Substitute Bill #), (and recommendation
that the committee substitute bill #) be re-referred to the Committee on .)
- With a favorable report as to House committee substitute bill (#), which changes
the title, unfavorable as to Senate committee substitute bill.
- With an unfavorable report.
- With recommendation that the House concur.
- With recommendation that the House do not concur.
- With recommendation that the House do not concur; request conferees.
- With recommendation that the House concur; committee believes bill to be material.
- With an unfavorable report, with a Minority Report attached.
- Without prejudice.
- With an indefinite postponement report.
- With an indefinite postponement report, with a Minority Report attached.
- With recommendation that it be adopted. (HOUSE RESOLUTION ONLY)

2/24/99

FOR JOURNAL USE ONLY

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

____ The (committee substitute) bill/resolution (, as amended,) is (ordered engrossed and) re-referred to the Committee on _____.

____ The bill/resolution is re-referred to the Committee on _____.

____ On motion of (Rep. _____,) (the Chair,) the (committee substitute) bill/resolution is (ordered engrossed and) re-referred to the Committee on _____.

____ Pursuant to Rule 36(b), the (House)committee substitute bill (No. ____)/resolution is placed on the Calendar of _____. (The original bill) (House Committee Substitute Bill No. ____)/resolution is placed on the Unfavorable Calendar.

____ On motion of Rep. _____, (the rules are suspended) (Rule ____ is suspended) and the bill/resolution is placed on today's calendar. (for immediate consideration.)

____ On motion of Rep. _____, Committee Amendment No.(s) _____ is/are adopted (by EV _____).

____ On motion of Rep. _____, Committee Amendment No.(s) _____ is/are adopted (by EV _____).

____ Rep. _____ offers Amendment No. _____ which (is adopted.) (fails of adoption.) (by EV _____) () This amendment changes the title.

____ The bill/resolution (, as amended,) passes its second reading (by following vote, _____ RC) (, by EV _____,) and (remains on the Calendar,) (and there being no objection is read a third time).

____ The bill/resolution (, as amended,) passes its third reading (by the following vote, _____ RC) (, by EV _____,) and is ordered _____ sent to the Senate.
____ without engrossment. _____ by Special message.
____ sent to the Senate for concurrence in _____ House amendment (s).
____ House committee substitute.
____ enrolled.

____ On motion of Rep. _____, the House concurs in the (material) Senate _____ (by the following vote, _____ RC) (, by EV _____,) and the bill is ordered enrolled.

**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 1999**

H

1

HOUSE BILL 384

Short Title: Town of Mint Hill.

(Local)

Sponsors: Representative Gulley.

Referred to: Rules, Calendar and Operations of the House.

March 10, 1999

- 1 A BILL TO BE ENTITLED
2 AN ACT RELATING TO THE TOWN OF MINT HILL.
3 The General Assembly of North Carolina enacts:
4 Section 1. This act relates to the Town of Mint Hill.
5 Section 2. This act is effective when it becomes law.

**1999 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES**

The following report(s) from standing committee(s) is/are presented:

By Representative(s) **CULPEPPER** for the Committee on **RULES, CALENDAR AND OPERATIONS OF THE HOUSE.**

Committee Substitute for

H.B. 384 A BILL TO BE ENTITLED AN ACT RELATING TO THE TOWN OF MINT HILL.

- With a favorable report.
- With a favorable report and recommendation that the bill be re-referred to the Committee on Appropriations Finance .
- With a favorable report, as amended.
- With a favorable report, as amended, and recommendation that the bill be re-referred to the Committee on Appropriations Finance .
- With a favorable report as to committee substitute bill (#), which changes the title, unfavorable as to (original bill) (Committee Substitute Bill #), (and recommendation that the committee substitute bill #) be re-referred to the Committee on .)
- With a favorable report as to House committee substitute bill (#), which changes the title, unfavorable as to Senate committee substitute bill.
- With an unfavorable report.
- With recommendation that the House concur.
- With recommendation that the House do not concur.
- With recommendation that the House do not concur; request conferees.
- With recommendation that the House concur; committee believes bill to be material.
- With an unfavorable report, with a Minority Report attached.
- Without prejudice.
- With an indefinite postponement report.
- With an indefinite postponement report, with a Minority Report attached.
- With recommendation that it be adopted. (HOUSE RESOLUTION ONLY)

2/24/99

FOR JOURNAL USE ONLY

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

____ The (committee substitute) bill/resolution (, as amended,) is (ordered engrossed and) re-referred to the Committee on _____.

____ The bill/resolution is re-referred to the Committee on _____.

____ On motion of (Rep. _____,) (the Chair,) the (committee substitute) bill/resolution is (ordered engrossed and) re-referred to the Committee on _____.

____ Pursuant to Rule 36(b), the (House)committee substitute bill (No. _____)/resolution is placed on the Calendar of _____. (The original bill) (House Committee Substitute Bill No. _____)/resolution is placed on the Unfavorable Calendar.

____ On motion of Rep. _____, (the rules are suspended) (Rule _____ is suspended) and the bill/resolution is placed on today's calendar. (for immediate consideration.)

____ On motion of Rep. _____, Committee Amendment No.(s) _____ is/are adopted (by EV _____).

____ On motion of Rep. _____, Committee Amendment No.(s) _____ is/are adopted (by EV _____).

____ Rep. _____ offers Amendment No. _____ which (is adopted.) (fails of adoption.) (by EV _____) () This amendment changes the title.

____ The bill/resolution (, as amended,) passes its second reading (by following vote, _____ RC) (, by EV _____,) and (remains on the Calendar,) (and there being no objection is read a third time).

____ The bill/resolution (, as amended,) passes its third reading (by the following vote, _____ RC) (, by EV _____,) and is ordered
____ sent to the Senate.
____ without engrossment. _____ by Special message.
____ sent to the Senate for concurrence in
____ House amendment (s).
____ House committee substitute.
____ enrolled.

____ On motion of Rep. _____, the House concurs in the (material) Senate _____ (by the following vote, _____ RC) (, by EV _____,) and the bill is ordered enrolled.

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1999

H

1

HOUSE BILL 390

Short Title: 41st House Dist. Local Act-1.

(Local)

Sponsors: Representatives Holmes; and Brown.

Referred to: Rules, Calendar and Operations of the House.

March 11, 1999

- 1 A BILL TO BE ENTITLED
2 AN ACT RELATING TO THE 41ST HOUSE DISTRICT.
3 The General Assembly of North Carolina enacts:
4 Section 1. This act relates to the 41st House District only.
5 Section 2. This act is effective when it becomes law.

**1999 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES**

The following report(s) from standing committee(s) is/are presented:

By Representative(s) **CULPEPPER** for the Committee on **RULES, CALENDAR AND OPERATIONS OF THE HOUSE.**

- Committee Substitute for
H.B. 390 A BILL TO BE ENTITLED AN ACT RELATING TO THE 41ST HOUSE DISTRICT.
- With a favorable report.
- With a favorable report and recommendation that the bill be re-referred to the Committee on Appropriations Finance .
- With a favorable report, as amended.
- With a favorable report, as amended, and recommendation that the bill be re-referred to the Committee on Appropriations Finance .
- With a favorable report as to committee substitute bill (#), which changes the title, unfavorable as to (original bill) (Committee Substitute Bill #), (and recommendation that the committee substitute bill #) be re-referred to the Committee on .)
- With a favorable report as to House committee substitute bill (#), which changes the title, unfavorable as to Senate committee substitute bill.
- With an unfavorable report.
- With recommendation that the House concur.
- With recommendation that the House do not concur.
- With recommendation that the House do not concur; request conferees.
- With recommendation that the House concur; committee believes bill to be material.
- With an unfavorable report, with a Minority Report attached.
- Without prejudice.
- With an indefinite postponement report.
- With an indefinite postponement report, with a Minority Report attached.
- With recommendation that it be adopted. (HOUSE RESOLUTION ONLY)

2/24/99

**1999 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES**

The following report(s) from standing committee(s) is/are presented:

By Representative(s) **CULPEPPER** for the Committee on **RULES, CALENDAR AND OPERATIONS OF THE HOUSE.**

Committee Substitute for

H.B. 391 A BILL TO BE ENTITLED AN ACT RELATING TO THE 41ST HOUSE DISTRICT.

- With a favorable report.
- With a favorable report and recommendation that the bill be re-referred to the Committee on Appropriations Finance .
- With a favorable report, as amended.
- With a favorable report, as amended, and recommendation that the bill be re-referred to the Committee on Appropriations Finance .
- With a favorable report as to committee substitute bill (#), which changes the title, unfavorable as to (original bill) (Committee Substitute Bill #), (and recommendation that the committee substitute bill #) be re-referred to the Committee on .)
- With a favorable report as to House committee substitute bill (#), which changes the title, unfavorable as to Senate committee substitute bill.
- With an unfavorable report.
- With recommendation that the House concur.
- With recommendation that the House do not concur.
- With recommendation that the House do not concur; request conferees.
- With recommendation that the House concur; committee believes bill to be material.
- With an unfavorable report, with a Minority Report attached.
- Without prejudice.
- With an indefinite postponement report.
- With an indefinite postponement report, with a Minority Report attached.
- With recommendation that it be adopted. (HOUSE RESOLUTION ONLY)

2/24/99

FOR JOURNAL USE ONLY

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

____ The (committee substitute) bill/resolution (, as amended,) is (ordered engrossed and) re-referred to the Committee on _____.

____ The bill/resolution is re-referred to the Committee on _____.

____ On motion of (Rep. _____,) (the Chair,) the (committee substitute) bill/resolution is (ordered engrossed and) re-referred to the Committee on _____.

____ Pursuant to Rule 36(b), the (House)committee substitute bill (No. ____)/resolution is placed on the Calendar of _____. (The original bill) (House Committee Substitute Bill No. ____)/resolution is placed on the Unfavorable Calendar.

____ On motion of Rep. _____, (the rules are suspended) (Rule ____ is suspended) and the bill/resolution is placed on today's calendar. (for immediate consideration.)

____ On motion of Rep. _____, Committee Amendment No.(s) _____ is/are adopted (by EV _____).

____ On motion of Rep. _____, Committee Amendment No.(s) _____ is/are adopted (by EV _____).

____ Rep. _____ offers Amendment No. _____ which (is adopted.) (fails of adoption.) (by EV _____) () This amendment changes the title.

____ The bill/resolution (, as amended,) passes its second reading (by following vote, _____ RC) (, by EV _____,) and (remains on the Calendar,) (and there being no objection is read a third time).

____ The bill/resolution (, as amended,) passes its third reading (by the following vote, _____ RC) (, by EV _____,) and is ordered
____ sent to the Senate.
____ without engrossment. _____ by Special message.
____ sent to the Senate for concurrence in
____ House amendment (s).
____ House committee substitute.
____ enrolled.

____ On motion of Rep. _____, the House concurs in the (material) Senate _____ (by the following vote, _____ RC) (, by EV _____,) and the bill is ordered enrolled.

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1999

H

1

HOUSE BILL 392

Short Title: 41st House Dist. Local Act-3.

(Local)

Sponsors: Representatives Holmes; and Brown.

Referred to: Rules, Calendar and Operations of the House.

March 11, 1999

- 1 A BILL TO BE ENTITLED
2 AN ACT RELATING TO THE 41ST HOUSE DISTRICT.
3 The General Assembly of North Carolina enacts:
4 Section 1. This act relates to the 41st House District only.
5 Section 2. This act is effective when it becomes law.

**1999 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES**

The following report(s) from standing committee(s) is/are presented:

By Representative(s) **CULPEPPER** for the Committee on **RULES, CALENDAR AND OPERATIONS OF THE HOUSE.**

- Committee Substitute for
H.B. 392 A BILL TO BE ENTITLED AN ACT RELATING TO THE 41ST HOUSE DISTRICT.
- With a favorable report.
- With a favorable report and recommendation that the bill be re-referred to the Committee on Appropriations Finance .
- With a favorable report, as amended.
- With a favorable report, as amended, and recommendation that the bill be re-referred to the Committee on Appropriations Finance .
- With a favorable report as to committee substitute bill (#), which changes the title, unfavorable as to (original bill) (Committee Substitute Bill #), (and recommendation that the committee substitute bill #) be re-referred to the Committee on .)
- With a favorable report as to House committee substitute bill (#), which changes the title, unfavorable as to Senate committee substitute bill.
- With an unfavorable report.
- With recommendation that the House concur.
- With recommendation that the House do not concur.
- With recommendation that the House do not concur; request conferees.
- With recommendation that the House concur; committee believes bill to be material.
- With an unfavorable report, with a Minority Report attached.
- Without prejudice.
- With an indefinite postponement report.
- With an indefinite postponement report, with a Minority Report attached.
- With recommendation that it be adopted. (HOUSE RESOLUTION ONLY)

2/24/99

FOR JOURNAL USE ONLY

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

____ The (committee substitute) bill/resolution (, as amended,) is (ordered engrossed and) re-referred to the Committee on _____.

____ The bill/resolution is re-referred to the Committee on _____.

____ On motion of (Rep. _____,) (the Chair,) the (committee substitute) bill/resolution is (ordered engrossed and) re-referred to the Committee on _____.

____ Pursuant to Rule 36(b), the (House)committee substitute bill (No. ____)/resolution is placed on the Calendar of _____. (The original bill) (House Committee Substitute Bill No. ____)/resolution is placed on the Unfavorable Calendar.

____ On motion of Rep. _____, (the rules are suspended) (Rule ____ is suspended) and the bill/resolution is placed on today's calendar. (for immediate consideration.)

____ On motion of Rep. _____, Committee Amendment No.(s) _____ is/are adopted (by EV _____).

____ On motion of Rep. _____, Committee Amendment No.(s) _____ is/are adopted (by EV _____).

____ Rep. _____ offers Amendment No. _____ which (is adopted.) (fails of adoption.) (by EV _____.) () This amendment changes the title.

____ The bill/resolution (, as amended,) passes its second reading (by following vote, _____ RC) (, by EV _____,) and (remains on the Calendar,) (and there being no objection is read a third time).

____ The bill/resolution (, as amended,) passes its third reading (by the following vote, _____ RC) (, by EV _____,) and is ordered
____ sent to the Senate.
____ without engrossment. ____ by Special message.
____ sent to the Senate for concurrence in
____ House amendment (s).
____ House committee substitute.
____ enrolled.

____ On motion of Rep. _____, the House concurs in the (material) Senate _____ (by the following vote, _____ RC) (, by EV _____,) and the bill is ordered enrolled.

**1999 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES**

The following report(s) from standing committee(s) is/are presented:

By Representative(s) **CULPEPPER** for the Committee on **RULES, CALENDAR AND OPERATIONS OF THE HOUSE.**

Committee Substitute for

H.B. 393 A BILL TO BE ENTITLED AN ACT RELATING TO THE 41ST HOUSE DISTRICT.

- With a favorable report.
- With a favorable report and recommendation that the bill be re-referred to the Committee on Appropriations Finance .
- With a favorable report, as amended.
- With a favorable report, as amended, and recommendation that the bill be re-referred to the Committee on Appropriations Finance .
- With a favorable report as to committee substitute bill (#), which changes the title, unfavorable as to (original bill) (Committee Substitute Bill #), (and recommendation that the committee substitute bill #) be re-referred to the Committee on .)
- With a favorable report as to House committee substitute bill (#), which changes the title, unfavorable as to Senate committee substitute bill.
- With an unfavorable report.
- With recommendation that the House concur.
- With recommendation that the House do not concur.
- With recommendation that the House do not concur; request conferees.
- With recommendation that the House concur; committee believes bill to be material.
- With an unfavorable report, with a Minority Report attached.
- Without prejudice.
- With an indefinite postponement report.
- With an indefinite postponement report, with a Minority Report attached.
- With recommendation that it be adopted. (HOUSE RESOLUTION ONLY)

2/24/99

FOR JOURNAL USE ONLY

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

____ The (committee substitute) bill/resolution (, as amended,) is (ordered engrossed and) re-referred to the Committee on _____.

____ The bill/resolution is re-referred to the Committee on _____.

____ On motion of (Rep. _____,) (the Chair,) the (committee substitute) bill/resolution is (ordered engrossed and) re-referred to the Committee on _____.

____ Pursuant to Rule 36(b), the (House)committee substitute bill (No. ____)/resolution is placed on the Calendar of _____. (The original bill) (House Committee Substitute Bill No. ____)/resolution is placed on the Unfavorable Calendar.

____ On motion of Rep. _____, (the rules are suspended) (Rule ____ is suspended) and the bill/resolution is placed on today's calendar. (for immediate consideration.)

____ On motion of Rep. _____, Committee Amendment No.(s) _____ is/are adopted (by EV _____).

____ On motion of Rep. _____, Committee Amendment No.(s) _____ is/are adopted (by EV _____).

____ Rep. _____ offers Amendment No. _____ which (is adopted.) (fails of adoption.) (by EV _____) () This amendment changes the title.

____ The bill/resolution (, as amended,) passes its second reading (by following vote, _____ RC) (, by EV _____,) and (remains on the Calendar,) (and there being no objection is read a third time).

____ The bill/resolution (, as amended,) passes its third reading (by the following vote, _____ RC) (, by EV _____,) and is ordered _____ sent to the Senate.
____ without engrossment. _____ by Special message.
____ sent to the Senate for concurrence in _____ House amendment (s).
____ House committee substitute.
____ enrolled.

____ On motion of Rep. _____, the House concurs in the (material) Senate _____ (by the following vote, _____ RC) (, by EV _____,) and the bill is ordered enrolled.

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 1999

H

1

HOUSE BILL 415

Short Title: 40th House Dist. Local Act-5.

(Local)

Sponsors: Representative Baker.

Referred to: Rules, Calendar and Operations of the House.

March 11, 1999

- 1 A BILL TO BE ENTITLED
2 AN ACT RELATING TO THE 40TH HOUSE DISTRICT.
3 The General Assembly of North Carolina enacts:
4 Section 1. This act relates to the 40th House District only.
5 Section 2. This act is effective when it becomes law.

**1999 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES**

The following report(s) from standing committee(s) is/are presented:

By Representative(s) **CULPEPPER** for the Committee on **RULES, CALENDAR AND OPERATIONS OF THE HOUSE.**

Committee Substitute for

H.B. 415 A BILL TO BE ENTITLED AN ACT RELATING TO THE 40TH HOUSE DISTRICT.

- With a favorable report.
- With a favorable report and recommendation that the bill be re-referred to the Committee on Appropriations Finance .
- With a favorable report, as amended.
- With a favorable report, as amended, and recommendation that the bill be re-referred to the Committee on Appropriations Finance .
- With a favorable report as to committee substitute bill (#), which changes the title, unfavorable as to (original bill) (Committee Substitute Bill #), (and recommendation that the committee substitute bill #) be re-referred to the Committee on .)
- With a favorable report as to House committee substitute bill (#), which changes the title, unfavorable as to Senate committee substitute bill.
- With an unfavorable report.
- With recommendation that the House concur.
- With recommendation that the House do not concur.
- With recommendation that the House do not concur; request conferees.
- With recommendation that the House concur; committee believes bill to be material.
- With an unfavorable report, with a Minority Report attached.
- Without prejudice.
- With an indefinite postponement report.
- With an indefinite postponement report, with a Minority Report attached.
- With recommendation that it be adopted. (HOUSE RESOLUTION ONLY)

2/24/99

FOR JOURNAL USE ONLY

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

____ The (committee substitute) bill/resolution (, as amended,) is (ordered engrossed and) re-referred to the Committee on _____.

____ The bill/resolution is re-referred to the Committee on _____.

____ On motion of (Rep. _____,) (the Chair,) the (committee substitute) bill/resolution is (ordered engrossed and) re-referred to the Committee on _____.

____ Pursuant to Rule 36(b), the (House)committee substitute bill (No. ____)/resolution is placed on the Calendar of _____. (The original bill) (House Committee Substitute Bill No. ____)/resolution is placed on the Unfavorable Calendar.

____ On motion of Rep. _____, (the rules are suspended) (Rule ____ is suspended) and the bill/resolution is placed on today's calendar. (for immediate consideration.)

____ On motion of Rep. _____, Committee Amendment No.(s) _____ is/are adopted (by EV _____).

____ On motion of Rep. _____, Committee Amendment No.(s) _____ is/are adopted (by EV _____).

____ Rep. _____ offers Amendment No. _____ which (is adopted.) (fails of adoption.) (by EV _____.) () This amendment changes the title.

____ The bill/resolution (, as amended,) passes its second reading (by following vote, _____ RC) (, by EV _____,) and (remains on the Calendar,) (and there being no objection is read a third time).

____ The bill/resolution (, as amended,) passes its third reading (by the following vote, _____ RC) (, by EV _____,) and is ordered
____ sent to the Senate.
____ without engrossment. ____ by Special message.
____ sent to the Senate for concurrence in
____ House amendment (s).
____ House committee substitute.
____ enrolled.

____ On motion of Rep. _____, the House concurs in the (material) Senate _____ (by the following vote, _____ RC) (, by EV _____,) and the bill is ordered enrolled.

**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 1999**

H

1

HOUSE BILL 416

Short Title: 40th House Dist. Local Act-4.

(Local)

Sponsors: Representative Baker.

Referred to: Rules, Calendar and Operations of the House.

March 11, 1999

- 1 A BILL TO BE ENTITLED
- 2 AN ACT RELATING TO THE 40TH HOUSE DISTRICT.
- 3 The General Assembly of North Carolina enacts:
- 4 Section 1. This act relates to the 40th House District only.
- 5 Section 2. This act is effective when it becomes law.

**1999 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES**

The following report(s) from standing committee(s) is/are presented:

By Representative(s) **CULPEPPER** for the Committee on **RULES, CALENDAR AND OPERATIONS OF THE HOUSE.**

Committee Substitute for

H.B. 416 A BILL TO BE ENTITLED AN ACT RELATING TO THE 40TH HOUSE DISTRICT.

- With a favorable report.
- With a favorable report and recommendation that the bill be re-referred to the Committee on Appropriations Finance .
- With a favorable report, as amended.
- With a favorable report, as amended, and recommendation that the bill be re-referred to the Committee on Appropriations Finance .
- With a favorable report as to committee substitute bill (#), which changes the title, unfavorable as to (original bill) (Committee Substitute Bill #), (and recommendation that the committee substitute bill #) be re-referred to the Committee on .)
- With a favorable report as to House committee substitute bill (#), which changes the title, unfavorable as to Senate committee substitute bill.
- With an unfavorable report.
- With recommendation that the House concur.
- With recommendation that the House do not concur.
- With recommendation that the House do not concur; request conferees.
- With recommendation that the House concur; committee believes bill to be material.
- With an unfavorable report, with a Minority Report attached.
- Without prejudice.
- With an indefinite postponement report.
- With an indefinite postponement report, with a Minority Report attached.
- With recommendation that it be adopted. (HOUSE RESOLUTION ONLY)

2/24/99

FOR JOURNAL USE ONLY

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

____ The (committee substitute) bill/resolution (, as amended,) is (ordered engrossed and) re-referred to the Committee on _____.

____ The bill/resolution is re-referred to the Committee on _____.

____ On motion of (Rep. _____,) (the Chair,) the (committee substitute) bill/resolution is (ordered engrossed and) re-referred to the Committee on _____.

____ Pursuant to Rule 36(b), the (House)committee substitute bill (No. ____)/resolution is placed on the Calendar of _____. (The original bill) (House Committee Substitute Bill No. ____)/resolution is placed on the Unfavorable Calendar.

____ On motion of Rep. _____, (the rules are suspended) (Rule ____ is suspended) and the bill/resolution is placed on today's calendar. (for immediate consideration.)

____ On motion of Rep. _____, Committee Amendment No.(s) _____ is/are adopted (by EV _____).

____ On motion of Rep. _____, Committee Amendment No.(s) _____ is/are adopted (by EV _____).

____ Rep. _____ offers Amendment No. _____ which (is adopted.) (fails of adoption.) (by EV _____.) () This amendment changes the title.

____ The bill/resolution (, as amended,) passes its second reading (by following vote, _____ RC) (, by EV _____,) and (remains on the Calendar,) (and there being no objection is read a third time).

____ The bill/resolution (, as amended,) passes its third reading (by the following vote, _____ RC) (, by EV _____,) and is ordered
____ sent to the Senate.
____ without engrossment. ____ by Special message.
____ sent to the Senate for concurrence in
____ House amendment (s).
____ House committee substitute.
____ enrolled.

____ On motion of Rep. _____, the House concurs in the (material) Senate _____ (by the following vote, _____ RC) (, by EV _____,) and the bill is ordered enrolled.

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1999

H

1

HOUSE BILL 417

Short Title: 40th House Dist. Local Act-2.

(Local)

Sponsors: Representative Baker.

Referred to: Rules, Calendar and Operations of the House.

March 11, 1999

- 1 A BILL TO BE ENTITLED
2 AN ACT RELATING TO THE 40TH HOUSE DISTRICT.
3 The General Assembly of North Carolina enacts:
4 Section 1. This act relates to the 40th House District only.
5 Section 2. This act is effective when it becomes law.

FOR JOURNAL USE ONLY

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

____ The (committee substitute) bill/resolution (, as amended,) is (ordered engrossed and) re-referred to the Committee on _____.

____ The bill/resolution is re-referred to the Committee on _____.

____ On motion of (Rep. _____,) (the Chair,) the (committee substitute) bill/resolution is (ordered engrossed and) re-referred to the Committee on _____.

____ Pursuant to Rule 36(b), the (House)committee substitute bill (No. ____)/resolution is placed on the Calendar of _____. (The original bill) (House Committee Substitute Bill No. ____)/resolution is placed on the Unfavorable Calendar.

____ On motion of Rep. _____, (the rules are suspended) (Rule ____ is suspended) and the bill/resolution is placed on today's calendar. (for immediate consideration.)

____ On motion of Rep. _____, Committee Amendment No.(s) _____ is/are adopted (by EV _____).

____ On motion of Rep. _____, Committee Amendment No.(s) _____ is/are adopted (by EV _____).

____ Rep. _____ offers Amendment No. ____ which (is adopted.) (fails of adoption.) (by EV _____.) () This amendment changes the title.

____ The bill/resolution (, as amended,) passes its second reading (by following vote, ____ RC) (, by EV _____,) and (remains on the Calendar,) (and there being no objection is read a third time).

____ The bill/resolution (, as amended,) passes its third reading (by the following vote, ____ RC) (, by EV _____,) and is ordered
____ sent to the Senate.
____ without engrossment. ____ by Special message.
____ sent to the Senate for concurrence in
____ House amendment (s).
____ House committee substitute.
____ enrolled.

____ On motion of Rep. _____, the House concurs in the (material) Senate _____ (by the following vote, ____ RC) (, by EV _____,) and the bill is ordered enrolled.

**1999 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES**

The following report(s) from standing committee(s) is/are presented:

By Representative(s) **CULPEPPER** for the Committee on **RULES, CALENDAR AND OPERATIONS OF THE HOUSE.**

- Committee Substitute for
H.B. 417 A BILL TO BE ENTITLED AN ACT RELATING TO THE 40TH HOUSE DISTRICT.
- With a favorable report.
- With a favorable report and recommendation that the bill be re-referred to the Committee on Appropriations Finance .
- With a favorable report, as amended.
- With a favorable report, as amended, and recommendation that the bill be re-referred to the Committee on Appropriations Finance .
- With a favorable report as to committee substitute bill (#), which changes the title, unfavorable as to (original bill) (Committee Substitute Bill #), (and recommendation that the committee substitute bill #) be re-referred to the Committee on .)
- With a favorable report as to House committee substitute bill (#), which changes the title, unfavorable as to Senate committee substitute bill.
- With an unfavorable report.
- With recommendation that the House concur.
- With recommendation that the House do not concur.
- With recommendation that the House do not concur; request conferees.
- With recommendation that the House concur; committee believes bill to be material.
- With an unfavorable report, with a Minority Report attached.
- Without prejudice.
- With an indefinite postponement report.
- With an indefinite postponement report, with a Minority Report attached.
- With recommendation that it be adopted. (HOUSE RESOLUTION ONLY)

2/24/99

FOR JOURNAL USE ONLY

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

____ The (committee substitute) bill/resolution (, as amended,) is (ordered engrossed and) re-referred to the Committee on _____.

____ The bill/resolution is re-referred to the Committee on _____.

____ On motion of (Rep. _____,) (the Chair,) the (committee substitute) bill/resolution is (ordered engrossed and) re-referred to the Committee on _____.

____ Pursuant to Rule 36(b), the (House)committee substitute bill (No. ____)/resolution is placed on the Calendar of _____. (The original bill) (House Committee Substitute Bill No. ____)/resolution is placed on the Unfavorable Calendar.

____ On motion of Rep. _____, (the rules are suspended) (Rule ____ is suspended) and the bill/resolution is placed on today's calendar. (for immediate consideration.)

____ On motion of Rep. _____, Committee Amendment No.(s) _____ is/are adopted (by EV _____).

____ On motion of Rep. _____, Committee Amendment No.(s) _____ is/are adopted (by EV _____).

____ Rep. _____ offers Amendment No. ____ which (is adopted.) (fails of adoption.) (by EV _____.) () This amendment changes the title.

____ The bill/resolution (, as amended,) passes its second reading (by following vote, ____ RC) (, by EV _____,) and (remains on the Calendar,) (and there being no objection is read a third time).

____ The bill/resolution (, as amended,) passes its third reading (by the following vote, ____ RC) (, by EV _____,) and is ordered
____ sent to the Senate.
____ without engrossment. ____ by Special message.
____ sent to the Senate for concurrence in
____ House amendment (s).
____ House committee substitute.
____ enrolled.

____ On motion of Rep. _____, the House concurs in the (material) Senate
____ (by the following vote, ____ RC) (, by EV _____,) and
the bill is ordered enrolled.

**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 1999**

H

1

HOUSE BILL 418

Short Title: 40th House Dist. Local Act-1.

(Local)

Sponsors: Representative Baker.

Referred to: Rules, Calendar and Operations of the House.

March 11, 1999

- 1 A BILL TO BE ENTITLED
2 AN ACT RELATING TO THE 40TH HOUSE DISTRICT.
3 The General Assembly of North Carolina enacts:
4 Section 1. This act relates to the 40th House District only.
5 Section 2. This act is effective when it becomes law.

**1999 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES**

The following report(s) from standing committee(s) is/are presented:

By Representative(s) **CULPEPPER** for the Committee on **RULES, CALENDAR AND OPERATIONS OF THE HOUSE.**

Committee Substitute for

H.B. 418 A BILL TO BE ENTITLED AN ACT RELATING TO THE 40TH HOUSE DISTRICT.

- With a favorable report.
- With a favorable report and recommendation that the bill be re-referred to the Committee on Appropriations Finance .
- With a favorable report, as amended.
- With a favorable report, as amended, and recommendation that the bill be re-referred to the Committee on Appropriations Finance .
- With a favorable report as to committee substitute bill (#), which changes the title, unfavorable as to (original bill) (Committee Substitute Bill #), (and recommendation that the committee substitute bill #) be re-referred to the Committee on .)
- With a favorable report as to House committee substitute bill (#), which changes the title, unfavorable as to Senate committee substitute bill.
- With an unfavorable report.
- With recommendation that the House concur.
- With recommendation that the House do not concur.
- With recommendation that the House do not concur; request conferees.
- With recommendation that the House concur; committee believes bill to be material.
- With an unfavorable report, with a Minority Report attached.
- Without prejudice.
- With an indefinite postponement report.
- With an indefinite postponement report, with a Minority Report attached.
- With recommendation that it be adopted. (HOUSE RESOLUTION ONLY)

2/24/99

FOR JOURNAL USE ONLY

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

____ The (committee substitute) bill/resolution (, as amended,) is (ordered engrossed and) re-referred to the Committee on _____.

____ The bill/resolution is re-referred to the Committee on _____.

____ On motion of (Rep. _____,) (the Chair,) the (committee substitute) bill/resolution is (ordered engrossed and) re-referred to the Committee on _____.

____ Pursuant to Rule 36(b), the (House)committee substitute bill (No. _____)/resolution is placed on the Calendar of _____. (The original bill) (House Committee Substitute Bill No. _____)/resolution is placed on the Unfavorable Calendar.

____ On motion of Rep. _____, (the rules are suspended) (Rule _____ is suspended) and the bill/resolution is placed on today's calendar. (for immediate consideration.)

____ On motion of Rep. _____, Committee Amendment No.(s) _____ is/are adopted (by EV _____).

____ On motion of Rep. _____, Committee Amendment No.(s) _____ is/are adopted (by EV _____).

____ Rep. _____ offers Amendment No. _____ which (is adopted.) (fails of adoption.) (by EV _____.) () This amendment changes the title.

____ The bill/resolution (, as amended,) passes its second reading (by following vote, _____ RC) (, by EV _____,) and (remains on the Calendar,) (and there being no objection is read a third time).

____ The bill/resolution (, as amended,) passes its third reading (by the following vote, _____ RC) (, by EV _____,) and is ordered
____ sent to the Senate.
____ without engrossment. _____ by Special message.
____ sent to the Senate for concurrence in
____ House amendment (s).
____ House committee substitute.
____ enrolled.

____ On motion of Rep. _____, the House concurs in the (material) Senate _____ (by the following vote, _____ RC) (, by EV _____,) and the bill is ordered enrolled.

AGENDA

**HOUSE COMMITTEE ON RULES, CALENDAR AND
OPERATIONS OF THE HOUSE**

**June 23, 1999
Room 421 LOB
1:10 PM**

OPENING REMARKS

Representative Culpepper, Chairman

CONSIDERATION OF BILLS

ACTION TAKEN ON BILLS

ADJOURNMENT

MINUTES OF THE COMMITTEE ON RULES, CALENDAR AND OPERATIONS OF
THE HOUSE

June 23, 1999

The Committee on Rules, Calendar and Operations of the House met on June 23, 1999 at 1:10 p.m. in Room 421 of the Legislative Office Building. The following members were present: Representatives Culpepper, Chairman; Hackney, Vice Chairman; Alexander, Allen, Hill, Jarrell, Luebke, Nye, Tolson and Yongue.

The chairman called the meeting to order to consider the following bills:

House Resolution 1271—A HOUSE RESOLUTION URGING CONGRESS TO APPROPRIATE FUNDS TO PAY AMOUNTS OWED BY THE UNITED STATES TO THE UNITED NATIONS. Representative Luebke, bill sponsor, explained the resolution followed by Mr. Ballard Everett of Ballard Everett & Associates, Public Affairs Consultants, who also spoke in favor of the resolution. Representatives Yongue and Alexander jointly moved for adoption of the resolution. The motion carried.

Senate Bill 285 – AN ACT TO AUTHORIZE THE DIVISION OF MOTOR VEHICLES TO ISSUE UNIVERSITY HEALTH SYSTEMS OF EASTERN CAROLINA SPECIAL REGISTRATION PLATES. A proposed committee substitute changing the title to AN ACT TO AUTHORIZE THE DIVISION OF MOTOR VEHICLES TO ISSUE UNIVERSITY HEALTH SYSTEMS OF EASTERN CAROLINA SPECIAL REGISTRATION PLATES AND TO MODIFY THE SPECIAL REGISTRATION PLATES ISSUED TO MEMBER OF THE JUDICIARY was offered, and Representative Allen moved for adoption of the proposed committee substitute. Without objection, the motion carried. The chairman explained the proposed committee substitute and stated that the bill was in the committee procedurally and should be moved to the Finance Committee. Therefore, Representative Tolson moved that the proposed committee substitute be reported without prejudice, unfavorable as to the original bill, and be re-referred to the Committee on Finance. The motion passed.

House Committee Substitute for House Bill 723 – AN ACT TO REDUCE THE AFTER-FACTORY WINDOW TINTING INSPECTION FEE FOR PERSONS WITH DOCUMENTED MEDICAL CONDITIONS THAT REQUIRE WINDOW TINTING. Representative Insko explained that the original bill reduced the window inspection fee for people who have Lupus or other conditions that require tinted windows. An amendment was then offered waiving the inspection fee. The Department of Motor Vehicles had recommended the amendment in that there are only about 3000 people in the state who would be affected by the change. Representative Hackney moved for adoption of the amendment, which motion carried. Representative Jarrell then moved that the amendment be incorporated into committee substitute #2, that the committee substitute #2 be given a favorable report, and that committee substitute #1 be given an unfavorable report. The motion passed.


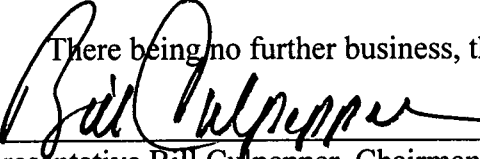
At the request of the chairman Representative Hill made a motion that the following blank bills listed by short titles be postponed indefinitely, and the motion passed.

House Bill 431-Yancey Local Act.
House Bill 435-48th House Dist. Local Act-2.
House Bill 436-48th House Dist. Local Act-1.
House Bill 441-Hyde County Local Act.
House Bill 442-McDowell Local Act.
House Bill 443-McDowell Local Act.
House Bill 445-Polk County Local Act.
House Bill 455-Rockingham County Local Act.
House Bill 456-Jones County Local Act.
House Bill 457-Pamlico County Local Act.
House Bill 458-Lenoir County Local Act.
House Bill 459-Craven County Local Act-1.
House Bill 460-Craven County Local Act-2.
House Bill 466-Modify Carteret Room Tax.
House Bill 472-House District 84-1.
House Bill 473-House District 84-2.
House Bill 481-Cabarrus County Blank Bill-1.
House Bill 482-Cabarrus County Blank Bill-2.
House Bill 498-Mecklenburg Local Act.
House Bill 515-Rockingham Co. Local Act-2.
House Bill 516-Rockingham Co. Local Act-1.
House Bill 521-50th House District -1.
House Bill 522-50th House District-6.
House Bill 523-50th House District-2.
House Bill 524-50th House District-3.
House Bill 539-30th House Dist. Local Act-2.
House Bill 540-30th House Dist. Local Act-1.
House Bill 542-Davie County Local Act.
House Bill 543-Davidson County Local Act.
House Bill 544-Clinton Local Retirement.
House Bill 545-Pender Local Act.
House Bill 547-Camden Co. Local Act.
House Bill 548-Perquimans Co. Local Act.
House Bill 549-Currituck Co. Local Act.
House Bill 550-Pasquotank Co. Local Act.
House Bill 551-Johnston County Local Act-3.
House Bill 552-Johnston County Local Act-1.
House Bill 553-Johnston County Local Act-2.
House Bill 554-Pender Local Act.
House Bill 555-Pender Local Act.
House Bill 556-Onslow Local Act.
House Bill 557-Onslow Local Act.
House Bill 558-Sampson Local Act.

House Bill 559-Sampson Local Act.
House Bill 560-Sampson Local Act.
House Bill 563-Duplin County Local Act.
House Bill 564-Magnolia Local Act.
House Bill 565-Kenansville Local Act.
House Bill 566-Warsaw Local Act.
House Bill 567-Beulaville Local Act.
House Bill 568-Wallace Local Act-2.
House Bill 573-Orange Local Act-1.
House Bill 576-Fayetteville Local Act-2.
House Bill 577-Cumberland County Local Act.
House Bill 578-Fayetteville Local Act-1.
House Bill 579-Cumberland County Local Act-2.
House Bill 580-93rd House Dist. Local Act-2.
House Bill 581-93rd House Dist. Local Act-1.
House Bill 582-93rd House Dist. Local Act-3.
House Bill-588-Kings Mountain Local Act-2.
House Bill 589-Kings Mountain Local Act-1.
House Bill 590-City of Jacksonville.
House Bill 606-Craven County Local Act-1.
House Bill 607-Pamlico County Local Act-1.
House Bill 608-Pamlico County Local Act-2.
House Bill 609-Bertie Co. Local Act.
House Bill 610-Northampton Co. Local Act.
House Bill 611-Gates Co. Local Act.
House Bill 612-Hertford Co. Local Act.
House Bill 617-Maxton Local Act.
House Bill 618-Rowland Local Act
House Bill 619-Red Springs Local Act.
House Bill 626-38th House District Blank Bill-2.
House Bill 629-Sampson Co. Local Act-1.
House Bill 630-Harnett Co. Local Act-2.
House Bill 631-Harnett Co. Local Act-3.
House Bill 632-Sampson Co. Local Act-2.
House Bill 633-Harnett Co. Local Act-1.
House Bill 634-Lee Co. Local Act-2.
House Bill 635-Lee Co. Local Act-1.
House Bill 640-Carrboro Local Act-1.
House Bill 641-Chapel Hill Local Act-2.
House Bill 646-Moore County Local Act-2.
House Bill 647-Moore County Local Act-1.
House Bill 653-46th House Dist. Local Act-1.
House Bill 654-46th House Dist. Local Act-2.
House Bill 655-88th House District Local Act-2.
House Bill 656-88th House District Local Act-1.
House Bill 662-Buncombe County Local Act.

House Bill 663-Asheville Local Act-2.
House Bill 664-Asheville Local Act-1.
House Bill 666-Tri-County Local Act.
House Bill 668-Granville Local Act.
House Bill 679-Wake County Local Act-1.
House Bill 680-Wake County Local Act-2.
House Bill 681-Wake County Local Act-3.

There being no further business, the meeting adjourned at 1:30 p.m.



Representative Bill Culpepper, Chairman Dorothy C. Crocker, Committee Assistant

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1999

H

1

HOUSE RESOLUTION 1271

Sponsors: Representatives Luebke and Hensley (Primary Sponsors).

Referred to: Rules, Calendar, and Operations of the House.

April 15, 1999

1 A HOUSE RESOLUTION URGING CONGRESS TO APPROPRIATE FUNDS TO
2 PAY AMOUNTS OWED BY THE UNITED STATES TO THE UNITED
3 NATIONS.

4 Whereas, during the past decade, the United States Congress, in an effort
5 to help build a better functioning, more effective United Nations for the coming
6 millennium, has urged the United Nations to take meaningful steps towards
7 reforming itself by: reducing inefficiencies, streamlining the organization,
8 eliminating budgetary growth, reducing Secretariat staff, working to reduce United
9 Nations costs borne by the United States, refocusing development efforts in support
10 of open trade and free markets, and taking on new and emerging global scale
11 challenges like drug trafficking, crime, terrorism, and environmental protection;
12 and

13 Whereas, a strong and effective United Nations, according to the Council
14 on Foreign Relations, remains an important part of a strong and effective
15 American foreign policy as it has been since its founding in 1945; and

16 Whereas, the United Nations has made demonstrable progress and shown
17 good faith in moving to comply with American requests by:

- 18 (1) Reducing its staff by more than 20% in the past decade,
19 eliminating more than 3,000 positions in the United Nations'
20 Secretariat, including 1,000 in the past several years;
21 (2) Adopting a no-growth budget since 1994, and reducing the United
22 Nations' regular budget by \$123,000,000 in its most recent budget
23 cycle;
24 (3) Appointing an Inspector General to root out waste, fraud, and
25 abuse, saving more than \$80,000,000 and numerous improvements
26 in organizational operations;

- 1 (4) Consolidating a wide variety of functions, including more than 12
2 Secretariat departments executive units;
- 3 (5) Appointing an Efficiency Board, akin to the United States
4 Reinventing Government Initiative, that has resulted in hundreds
5 of efficiency improvements and millions of dollars in savings; and
- 6 (6) Attracting dynamic, new leaders to head key United Nations
7 agencies and improve overall management of the United Nations
8 system; and

9 Whereas, with the end of the Cold War and the rapid growth of
10 economic globalization, the United Nations is more important than ever as a forum
11 for peace, progress, and prosperity; particularly as the international institution
12 capable of bringing all nations together to: (i) set basic standards that are
13 prerequisites to trade (e.g. standards for telecommunications, transportation, and
14 mail); (ii) work together on common global challenges like terrorism and the drug
15 trade; (iii) promote the health and well-being of the world's children; (iv) uphold
16 basic human rights; feed the hungry, respond to natural disasters; (v) develop
17 peacekeeping operations and mediate conflict; and (vi) address global health
18 challenges like polio, malaria, and malnutrition; and

19 Whereas, the executive and legislative branches of the United States have
20 suggested that United Nations reform would effectuate payment of United States'
21 past dues, which the United States is legally bound to honor and which now total
22 more than \$1,000,000,000 (or approximately one year of operations for the United
23 Nations Secretariat); Now, therefore,

24 Be it resolved by the House of Representatives:

25 Section 1. In recognition of the rapidly increasing importance of the
26 United Nations to the future stability of the world, and to the future security and
27 prosperity of the United States and other nations, and in recognition of the United
28 Nations' marked progress and good faith work to comply with United States
29 reform requests, the North Carolina House of Representatives commends the
30 United States Congress for its role in helping to reform the United Nations and
31 commends the United Nations for its successful implementation of these important
32 and needed reforms, and petitions the United States Congress to authorize and
33 appropriate moneys sufficient to pay amounts owed by the United States and to
34 the United Nations, now in arrears, and, in addition, that the transfer of these
35 funds to the United Nations be authorized by Congress in the current budget cycle.

36 Section 2. The Principal Clerk shall transmit a certified copy of this
37 resolution to each member of North Carolina's Congressional Delegation.

38 Section 3. This resolution is effective upon adoption.

**1999 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES**

The following report(s) from standing committee(s) is/are presented:

By Representative(s) **Culpepper** for the Committee on **Rules, Calendar and Operations of the House.**

Committee Substitute for
H.R. 1271 A HOUSE RESOLUTION URGING CONGRESS TO APPROPRIATE FUNDS
TO PAY AMOUNTS OWED BY THE UNITED STATES TO THE UNITED NATIONS.

- With a favorable report.
- With a favorable report and recommendation that the bill be re-referred to the Committee on Appropriations Finance .
- With a favorable report, as amended.
- With a favorable report, as amended, and recommendation that the bill be re-referred to the Committee on Appropriations Finance .
- With a favorable report as to committee substitute bill (#), which changes the title, unfavorable as to (original bill) (Committee Substitute Bill #), (and recommendation that the committee substitute bill #) be re-referred to the Committee on .)
- With a favorable report as to House committee substitute bill (#), which changes the title, unfavorable as to Senate committee substitute bill.
- With an unfavorable report.
- With recommendation that the House concur.
- With recommendation that the House do not concur.
- With recommendation that the House do not concur; request conferees.
- With recommendation that the House concur; committee believes bill to be material.
- With an unfavorable report, with a Minority Report attached.
- Without prejudice.
- With an indefinite postponement report.
- With an indefinite postponement report, with a Minority Report attached.
- With recommendation that it be adopted. (HOUSE RESOLUTION ONLY)

2/24/99

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1999

S

1

SENATE BILL 285

Short Title: University Health Systems Plates.

(Public)

Sponsors: Senators Warren; Albertson, Clodfelter, Martin of Pitt, and Martin of Guilford.

Referred to: Finance.

March 8, 1999

1 A BILL TO BE ENTITLED
2 AN ACT TO AUTHORIZE THE DIVISION OF MOTOR VEHICLES TO ISSUE
3 UNIVERSITY HEALTH SYSTEMS OF EASTERN CAROLINA SPECIAL
4 REGISTRATION PLATES.

5 The General Assembly of North Carolina enacts:

6 Section 1. G.S. 20-79.4(b) reads as rewritten:

7 "(b) Types. -- The Division shall issue the following types of special registration
8 plates:

- 9 (1) Administrative Officer of the Courts. -- Issuable to the Director of
10 the Administrative Office of the Courts. The plate shall bear the
11 phrase "J-20".
- 12 (2) Amateur Radio Operator. -- Issuable to an amateur radio operator
13 who holds an unexpired and unrevoked amateur radio license
14 issued by the Federal Communications Commission and who
15 asserts to the Division that a portable transceiver is carried in the
16 vehicle. The plate shall bear the phrase "Amateur Radio". The
17 plate shall bear the operator's official amateur radio call letters, or
18 call letters with numerical or letter suffixes so that an owner of
19 more than one vehicle may have the call letters on each.
- 20 (3) American Legion. -- Issuable to a member of the American Legion.
21 The plate shall bear the words "American Legion" and the
22 emblem of the American Legion. The Division may not issue the

1 attorney serves, with 1 being the Eastern District, 2 being the
2 Middle District, and 3 being the Western District.

3 (13a) Eagle Scout. -- Issuable to a young man who has been certified as
4 an Eagle Scout by the Boy Scouts of America, or to his parents or
5 guardians. The plate shall bear the insignia of the Boy Scouts of
6 America and shall bear the words "Eagle Scout". The Division
7 may not issue the plate authorized by this subdivision unless it
8 receives at least 300 applications for the plate.

9 (14) 82nd Airborne Division Association Member. -- Issuable to a
10 member of the 82nd Airborne Division Association, Inc. The plate
11 shall bear the insignia of the 82nd Airborne Division Association,
12 Inc. The Division may not issue the plate authorized by this
13 subdivision unless it receives at least 300 applications for the plate.

14 (15) Fire Department or Rescue Squad Member. -- Issuable to an active
15 regular member or volunteer member of a fire department, rescue
16 squad, or both a fire department and rescue squad. The plate shall
17 bear the words "Firefighter", "Rescue Squad", or "Firefighter-
18 Rescue Squad".

19 (16) Future Farmers of America. -- Issuable to a member or a supporter
20 of the National Future Farmers of America Organization. The
21 plate shall bear the emblem of the organization and the letters
22 "FFA". The Division may not issue the plate authorized by this
23 subdivision unless it receives at least 300 applications for the plate.

24 (16a) Girl Scout Gold Award recipient. -- Issuable to a young woman
25 who has been certified as a Girl Scout Gold Award recipient by
26 the Girl Scouts of the U.S.A., or to her parents or guardians.
27 The plate shall bear the insignia of the Girl Scouts of the U.S.A.
28 and shall bear the words "Girl Scout Gold Award". The
29 Division may not issue the plate authorized by this subdivision
30 unless it receives at least 300 applications for the plate.

31 (17) Historic Vehicle Owner. -- Issuable for a motor vehicle that is at
32 least 35 years old measured from the date of manufacture. The
33 plate for an historic vehicle shall bear the word "Antique" unless
34 the vehicle is a model year 1943 or older. The plate for a vehicle
35 that is a model year 1943 or older shall bear the word "Antique"
36 or the words "Horseless Carriage", at the option of the vehicle
37 owner.

38 (18) Historical Attraction Plate. -- Issuable to the registered owner of a
39 motor vehicle in accordance with G.S. 20-81.12. The plate may
40 bear a phrase or an insignia representing a publicly owned or
41 nonprofit historical attraction located in North Carolina.

42 (19) Honorary Plate. -- Issuable to a member of the Honorary Consular
43 Corps, who has been certified by the U. S. State Department, the

- 1 plate shall bear the words "Honorary Consular Corps" and a
2 distinguishing number based on the order of issuance.
- 3 (20) Judge or Justice. -- Issuable to a sitting or retired judge or justice
4 in accordance with G.S. 20-79.6.
- 5 (21) Legion of Valor. -- Issuable to a recipient of one of the following
6 military decorations: the Congressional Medal of Honor, the
7 Distinguished Service Cross, the Navy Cross, or the Air Force
8 Cross. The plate shall bear the emblem and name of the recipient's
9 decoration.
- 10 (22) Legislator. -- Issuable to a member of the North Carolina General
11 Assembly. The plate shall bear "The Great Seal of the State of
12 North Carolina" and, as appropriate, the word "Senate" or
13 "House" followed by the Senator's or Representative's assigned
14 seat number.
- 15 (23) Magistrate. -- Issuable to a North Carolina magistrate. The plate
16 shall bear the letters "MJ" followed by a number indicating the
17 district court district the magistrate serves, then by a hyphen, and
18 then by a number indicating the seniority of the magistrate. The
19 Division shall use the number "9" to designate District Court
20 Districts 9 and 9B.
- 21 (24) March of Dimes. -- Issuable to the registered owner of a motor
22 vehicle in accordance with G.S. 20-81.12. The plate may bear a
23 phrase or an insignia representing the March of Dimes Foundation.
- 24 (25) Marshal. -- Issuable to a United States Marshal. The plate shall
25 bear the phrase "U.S. Marshal" followed by a number that
26 represents the district the Marshal serves, with 1 being the Eastern
27 District, 2 being the Middle District, and 3 being the Western
28 District.
- 29 (26) Military Reservist. -- Issuable to a member of a reserve component
30 of the armed forces of the United States. The plate shall bear the
31 name and insignia of the appropriate reserve component. Plates
32 shall be numbered sequentially for members of a component with
33 the numbers 1 through 5000 reserved for officers, without regard to
34 rank.
- 35 (27) Military Retiree. -- Issuable to an individual who has retired from
36 the armed forces of the United States. The plate shall bear the
37 word "Retired" and the name and insignia of the branch of service
38 from which the individual retired. The Division may not issue the
39 plate authorized by this subdivision unless it receives at least 300
40 applications for the plate.
- 41 (28) National Guard Member. -- Issuable to an active or a retired
42 member of the North Carolina National Guard. The plate shall
43 bear the phrase "National Guard". A plate issued to an active
44 member shall bear a number that reflects the seniority of the

1 member; a plate issued to a commissioned officer shall begin with
2 the number "1"; a plate issued to a noncommissioned officer with a
3 rank of E7, E8, or E9 shall begin with the number "1601"; a plate
4 issued to an enlisted member with a rank of E6 or below shall
5 begin with the number "3001". The plate issued to a retired or
6 separated member shall indicate the member's retired status.

7 (28a) Native American. -- Issuable to the registered owner of a motor
8 vehicle. The plate may bear a phrase or an insignia representing
9 Native Americans. The Division must receive 300 or more
10 applications for the plate before it may be developed.

11 (29) Olympic Games. -- Issuable to the registered owner of a motor
12 vehicle in accordance with G.S. 20-81.12. The plate may bear a
13 phrase or insignia representing the Olympic Games.

14 (30) Partially Disabled Veteran. -- Issuable to a veteran of the armed
15 forces of the United States who suffered a service connected
16 disability of less than 100%.

17 (31) Pearl Harbor Survivor. -- Issuable to a veteran of the armed forces
18 of the United States who was present at and survived the attack on
19 Pearl Harbor on December 7, 1941. The plate will bear the phrase
20 "Pearl Harbor Survivor" and the insignia of the Pearl Harbor
21 Survivors' Association.

22 (32) Personalized. -- Issuable to the registered owner of a motor vehicle.
23 The plate will bear the letters or letters and numbers requested by
24 the owner. The Division may refuse to issue a plate with a letter
25 combination that is offensive to good taste and decency. The
26 Division may not issue a plate that duplicates another plate.

27 (33) Prisoner of War. -- Issuable to the following:

28 a. A member or veteran member of the armed forces of the
29 United States who has been captured and held prisoner by
30 forces hostile to the United States while serving in the
31 armed forces.

32 b. The surviving spouse of a person who had a prisoner of war
33 plate at the time of death so long as the surviving spouse
34 continues to renew the plate and does not remarry.

35 (34) Professional Sports Fan. -- Issuable to the registered owner of a
36 motor vehicle. The plate shall bear the logo of a professional sports
37 team located in North Carolina. The Division shall receive 300 or
38 more applications for a professional sports fan plate before a plate
39 may be issued. The Division shall not develop a professional sports
40 fan plate unless the professional sports team licenses, without
41 charge, the State to use the official team logo on the plate.

42 (35) Purple Heart Recipient. -- Issuable to a recipient of the Purple
43 Heart award. The plate shall bear the phrase "Purple Heart
44 Veteran, Combat Wounded" and the letters "PH".

- 1 (36) Register of Deeds. -- Issuable to a register of deeds. The plate shall
2 bear the words "Register of Deeds" and the letter "R" followed by
3 a number representing the county of the register of deeds. The
4 number of a county shall be the order of the county in an
5 alphabetical list of counties that assigns number one to the first
6 county in the list.
- 7 (37) Scenic Rivers. -- Issuable to the registered owner of a motor
8 vehicle in accordance with G.S. 20-81.12. The plate shall bear the
9 words "Scenic Rivers" and a picture representing the unique
10 beauty of the scenic rivers of North Carolina.
- 11 (38) School Technology. -- Issuable to the registered owner of a motor
12 vehicle in accordance with G.S. 20-81.12. The plate may bear a
13 phrase or an insignia representing the public school system in
14 North Carolina.
- 15 (39) Sheriff. -- Issuable to a current sheriff or to a retired sheriff who
16 served as sheriff for at least 10 years before retiring. A plate issued
17 to a current sheriff shall bear the word "Sheriff" and the letter "S"
18 followed by a number that indicates the county the sheriff serves.
19 A plate issued to a retired sheriff shall bear the phrase "Sheriff,
20 Retired", the letter "S" followed by a number that indicates the
21 county the sheriff served, and the letter "X" indicating the sheriff's
22 retired status.
- 23 (39a) Silver Star Recipient. -- Issuable to a recipient of the Silver Star.
24 The plate shall bear the emblem of the Silver Star and the words
25 "Silver Star".
- 26 (40) Soil and Water Conservation. -- Issuable to the registered owner of
27 a motor vehicle in accordance with G.S. 20-81.12. The plate may
28 bear a phrase and picture appropriate to the subject of water
29 quality and environmental protection in North Carolina.
- 30 (41) Special Olympics. -- Issuable to the registered owner of a motor
31 vehicle in accordance with G.S. 20-81.12. The plate may bear a
32 phrase or an insignia representing the North Carolina Special
33 Olympics.
- 34 (42) Square Dance Clubs. -- Issuable to a member of a recognized
35 square dance organization exempt from corporate income tax
36 under G.S. 105-130.11(a)(5). The plate shall bear a word or phrase
37 identifying the club and the emblem of the club. The Division shall
38 not issue a dance club plate authorized by this subdivision unless it
39 receives at least 300 applications for that dance club plate.
- 40 (43) State Government Official. -- Issuable to elected and appointed
41 members of State government in accordance with G.S. 20-79.5.
- 42 (44) State Attraction. -- Issuable to the registered owner of a motor
43 vehicle in accordance with G.S. 20-81.12. The plate may bear a

phrase or an insignia representing a publicly owned or nonprofit State or federal attraction located in North Carolina.

(45) Street Rod Owner. -- Issuable to the registered owner of a modernized private passenger motor vehicle manufactured prior to the year 1949 or designed to resemble a vehicle manufactured prior to the year 1949. The plate shall bear the phrase "Street Rod". The Division may not issue the plate authorized by this subdivision unless it receives at least 300 applications for the plate.

(46) Transportation Personnel. -- Issuable to various members of the Divisions of the Department of Transportation. The plate shall bear the letters "DOT" followed by a number from 1 to 85, as designated by the Governor.

(47) U.S. Representative. -- Issuable to a United States Representative for North Carolina. The plate shall bear the phrase "U.S. House" and shall be issued on the basis of Congressional district numbers.

(48) U.S. Senator. -- Issuable to a United States Senator for North Carolina. The plates shall bear the phrase "U.S. Senate" and shall be issued on the basis of seniority represented by the numbers 1 and 2.

(48a) University Health Systems of Eastern Carolina. -- Issuable to the registered owner of a motor vehicle in accordance with G.S. 20-81.12. The plate may bear a phrase or insignia representing the University Health Systems of Eastern Carolina.

(49) Veterans of Foreign Wars. -- Issuable to a member or a supporter of the Veterans of Foreign Wars. The plate shall bear the words "Veterans of Foreign Wars" or "VFW" and the emblem of the VFW. The Division may not issue the plate authorized by this subdivision unless it receives at least 300 applications for the plate.

(50) Vietnam Veteran. -- Issuable to a veteran of the armed forces of the United States who served in Vietnam. The Division may not issue the plate authorized by this subdivision unless it receives at least 300 applications for the plate.

(51) Wildlife Resources. -- Issuable to the registered owner of a motor vehicle in accordance with G.S. 20-81.12. The plate shall bear a picture representing a native wildlife species occurring in North Carolina."

Section 2. G.S. 20-79.7(a) reads as rewritten:

"(a) Fees. -- Upon request, the Division shall provide and issue free of charge one registration plate to a recipient of the Congressional Medal of Honor, a 100% disabled veteran, and an ex-prisoner of war. All other special registration plates are subject to the regular motor vehicle registration fee in G.S. 20-87 or G.S. 20-88 plus an additional fee in the following amount:

<u>Special Plate</u>	<u>Additional Fee Amount</u>
Historical Attraction	\$30.00

1	State Attraction	\$30.00
2	Collegiate Insignia	\$25.00
3	Olympic Games	\$25.00
4	Special Olympics	\$25.00
5	<u>University Health Systems of</u>	
6	<u>Eastern Carolina</u>	\$25.00
7	March of Dimes	\$20.00
8	Scenic Rivers	\$20.00
9	School Technology	\$20.00
10	Soil and Water Conservation	\$20.00
11	Wildlife Resources	\$20.00
12	Personalized	\$20.00
13	Active Member of the National Guard	None
14	Purple Heart Recipient	None
15	All Other Special Plates	\$10.00."

16 Section 3. G.S. 20-79.7(b) reads as rewritten:

17 "(b) Distribution of Fees. -- The Special Registration Plate Account and the
 18 Collegiate and Cultural Attraction Plate Account are established within the Highway
 19 Fund. The Division must credit the additional fee imposed for the special
 20 registration plates listed in subsection (a) among the Special Registration Plate
 21 Account (SRPA), the Collegiate and Cultural Attraction Plate Account (CCAPA),
 22 and the Natural Heritage Trust Fund (NHTF), which is established under G.S. 113-
 23 77.7, as follows:

24 <u>Special Plate</u>	<u>SRPA</u>	<u>CCAPA</u>	<u>NHTF</u>
25 Historical Attraction	\$10	\$20	0
26 In-State Collegiate Insignia	\$10	\$15	0
27 Out-of-state Collegiate Insignia	\$10	0	\$15
28 Personalized	\$10	0	\$10
29 Special Olympics	\$10	\$15	0
30 Olympic Games	\$10	\$15	0
31 <u>University Health Systems of</u>			
32 <u>Eastern Carolina</u>	<u>\$10</u>	<u>\$15</u>	<u>0</u>
33 State Attraction	\$10	\$20	0
34 March of Dimes	\$10	\$10	0
35 Scenic Rivers	\$10	\$10	0
36 School Technology	\$10	\$10	0
37 Soil and Water Conservation	\$10	\$10	0
38 Wildlife Resources	\$10	\$10	0
39 All other Special Plates	\$10	0	0."

40 Section 4. G.S. 20-81.12 is amended by adding a new subsection to read:

41 "(b9) University Health Systems of Eastern Carolina. -- The Division must receive
 42 300 or more applications for a University Health Systems of Eastern Carolina plate
 43 before the plate may be developed. The Division shall transfer quarterly the money
 44 in the Collegiate and Cultural Attraction Plate Account derived from the sale of

1 University Health Systems of Eastern North Carolina plates to the Pitt Memorial
2 Hospital Foundation, Inc., for use in the Children's Hospital of Eastern North
3 Carolina."

4 Section 5. This act is effective when it becomes law.

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1999

S

D

SENATE BILL 285
Proposed House Committee Substitute S285-CSLK-2
ATTENTION: LINE NUMBERS MAY CHANGE AFTER ADOPTION

Short Title: Univ. Health Sys./Judicial Plates. (Public)

Sponsors:

Referred to: Finance

March 8, 1999

1 A BILL TO BE ENTITLED
2 AN ACT TO AUTHORIZE THE DIVISION OF MOTOR VEHICLES TO ISSUE
3 UNIVERSITY HEALTH SYSTEMS OF EASTERN CAROLINA SPECIAL
4 REGISTRATION PLATES AND TO MODIFY THE SPECIAL REGISTRATION
5 PLATES ISSUED TO MEMBERS OF THE JUDICIARY.
6 The General Assembly of North Carolina enacts:
7 Section 1. G.S. 20-79.4(b) reads as rewritten:
8 "(b) Types. -- The Division shall issue the following types of
9 special registration plates:
10
11 (48a) University Health Systems of Eastern Carolina. --
12 Issuable to the registered owner of a motor
13 vehicle in accordance with G.S. 20-81.12. The
14 plate may bear a phrase or insignia representing
15 the University Health Systems of Eastern Carolina.
16"
17 Section 2. G.S. 20-79.7(a) reads as rewritten:
18 "(a) Fees. -- Upon request, the Division shall provide and
19 issue free of charge one registration plate to a recipient of the
20 Congressional Medal of Honor, a 100% disabled veteran, and an ex-
21 prisoner of war. All other special registration plates are
22 subject to the regular motor vehicle registration fee in G.S. 20-
23 87 or G.S. 20-88 plus an additional fee in the following amount:

	<u>Additional Fee Amount</u>
1 <u>Special Plate</u>	
2 Historical Attraction	\$30.00
3 State Attraction	\$30.00
4 Collegiate Insignia	\$25.00
5 Olympic Games	\$25.00
6 Special Olympics	\$25.00
7 <u>University Health Systems of</u>	
8 <u>Eastern Carolina</u>	<u>\$25.00</u>
9 March of Dimes	\$20.00
10 Scenic Rivers	\$20.00
11 School Technology	\$20.00
12 Soil and Water Conservation	\$20.00
13 Wildlife Resources	\$20.00
14 Personalized	\$20.00
15 Active Member of the National Guard	None
16 Purple Heart Recipient	None
17 All Other Special Plates	\$10.00."

18 Section 3. G.S. 20-79.7(b) reads as rewritten:
 19 "(b) Distribution of Fees. -- The Special Registration Plate
 20 Account and the Collegiate and Cultural Attraction Plate Account
 21 are established within the Highway Fund. The Division must
 22 credit the additional fee imposed for the special registration
 23 plates listed in subsection (a) among the Special Registration
 24 Plate Account (SRPA), the Collegiate and Cultural Attraction
 25 Plate Account (CCAPA), and the Natural Heritage Trust Fund
 26 (NHTF), which is established under G.S. 113-77.7, as follows:

	<u>SRPA</u>	<u>CCAPA</u>	<u>NHTF</u>
27 <u>Special Plate</u>			
28 Historical Attraction	\$10	\$20	0
29 In-State Collegiate Insignia	\$10	\$15	0
30 Out-of-state Collegiate Insignia	\$10	0	\$15
31 Personalized	\$10	0	\$10
32 Special Olympics	\$10	\$15	0
33 Olympic Games	\$10	\$15	0
34 <u>University Health Systems of</u>			
35 <u>Eastern Carolina</u>	<u>\$10</u>	<u>\$15</u>	<u>0</u>
36 State Attraction	\$10	\$20	0
37 March of Dimes	\$10	\$10	0
38 Scenic Rivers	\$10	\$10	0
39 School Technology	\$10	\$10	0
40 Soil and Water Conservation	\$10	\$10	0
41 Wildlife Resources	\$10	\$10	0
42 All other Special Plates	\$10	0	0."

43 Section 4. G.S. 20-81.12 is amended by adding a new
 44 subsection to read:

1 "(b9) University Health Systems of Eastern Carolina. -- The
2 Division must receive 300 or more applications for a University
3 Health Systems of Eastern Carolina plate before the plate may be
4 developed. The Division shall transfer quarterly the money in
5 the Collegiate and Cultural Attraction Plate Account derived from
6 the sale of University Health Systems of Eastern North Carolina
7 plates to the Pitt Memorial Hospital Foundation, Inc., for use in
8 the Children's Hospital of Eastern North Carolina."

9 Section 5. G.S. 20-79.6 reads as rewritten:

10 "§ 20-79.6. Special registration plates for members of the
11 judiciary.

12 (a) ~~Appellate Division. Supreme Court.~~ -- A special plate
13 issued to a Justice or Judge of the North Carolina Appellate
14 Courts shall bear the letter "J" followed by a number from 1
15 through 19. of the North Carolina Supreme Court shall bear the
16 words 'Supreme Court' and the Great Seal of North Carolina and a
17 number from 1 through 7. The Chief Justice of the Supreme Court
18 of North Carolina shall be issued the plate bearing the number 1
19 and the remaining plates shall be issued to the Associate
20 Justices on the basis of seniority.

21 Special plates issued to retired members of the Supreme Court
22 shall bear a number indicating the member's position of seniority
23 at the time of retirement followed by the letter 'X' to indicate
24 the member's retired status.

25 (al) Court of Appeals. -- A special plate issued to a Judge of
26 the North Carolina Court of Appeals shall bear the words 'Court
27 of Appeals' and the Great Seal of North Carolina and a number
28 beginning with the number 1. The Chief Judge of the North
29 Carolina Court of Appeals shall be issued ~~the next judicial plate~~
30 a plate with the number 1 and the remaining plates shall be
31 issued to the Associate Judges with the numbers assigned on the
32 basis of seniority.

33 Special plates issued to retired members of the ~~Supreme Court~~
34 and the Court of Appeals shall bear a number indicating the
35 member's position of seniority at the time of retirement followed
36 by the letter "X" to indicate the member's retired status.

37 (b) Superior Court. -- A special plate issued to a resident
38 superior court judge shall bear the letter "J" followed by a
39 number indicative of the judicial district the judge serves. The
40 number issued to the senior resident superior court judge shall
41 be ~~equal to the sum of the~~ numerical designation of the judge's
42 judicial district, as defined in ~~G.S. 7A-41.1(a)(1), plus 20.~~
43 G.S. 7A-41.1(a)(1). If a district has more than one regular
44 resident superior court judge, a special plate for a resident

1 superior court judge of that district shall bear the number
2 issued to the senior resident superior court judge followed by a
3 hyphen and a letter of the alphabet beginning with the letter "A"
4 to indicate the judge's seniority.

5 For a set of districts as defined in G.S. 7A-41.1(a)(2), other
6 than ~~7A and 7C~~, districts where there are two or more resident
7 superior court judges, the number issued to the senior resident
8 superior court judge shall be ~~equal to the sum of 20 plus the~~
9 number the districts in the set have in common. A special plate
10 issued to the other regular resident superior court judges of the
11 set of districts shall bear the number issued to the senior
12 resident superior court judge followed by a hyphen and a letter
13 of the alphabet beginning with the letter "A" to indicate the
14 judge's seniority among all of the regular resident superior
15 court judges of the set of districts. The letter assigned to a
16 resident superior court judge will not necessarily correspond
17 with the letter designation of the district the judge serves.
18 ~~For the set of districts 7B and 7C, the senior resident superior~~
19 ~~court judge for that set shall be issued a special plate bearing~~
20 ~~the designation 27C following the letter "J", and all other~~
21 ~~resident superior court judges of the set shall be issued a~~
22 ~~special plate bearing that designation followed by the letter~~
23 ~~"B".~~

24 Where there are two or more regular resident superior court
25 judges for the district or set of districts, the registration
26 plate with the letter 'A' shall be issued to the judge who, from
27 among all the regular resident superior court judges of the
28 district or set of districts, has the most continuous service as
29 a regular resident superior court judge; provided if two or more
30 judges are of equal service, the oldest of those judges shall
31 receive the next letter registration plate. Thereafter,
32 registration plates shall be issued based on seniority within the
33 district or set of districts.

34 A special judge, emergency judge, or retired judge of the
35 superior court shall be issued a special plate bearing the letter
36 "J" followed by a number designated by the Administrative Office
37 of the Courts with the approval of the Chief Justice of the
38 Supreme Court of North Carolina. The plate for a retired judge
39 shall have the letter "X" after the designated number to indicate
40 the judge's retired status.

41 (c) District Court. -- A special plate issued to a North
42 Carolina district court judge shall bear the letter "J" followed
43 by a number. For the chief judge of the district court district,
44 the number shall be equal to the sum of the numerical designation

1 of the district court district the chief judge serves, plus 100.
2 The number for all other judges of the district courts serving
3 within the same district court district shall be the same number
4 as appears on the special plate issued to the chief district
5 judge followed by a letter of the alphabet beginning with the
6 letter "A" to indicate the judge's seniority. A retired district
7 court judge shall be issued a similar plate except that the
8 numerical designation shall be followed by the letter "X" to
9 indicate the judge's retired status.

10 (d) United States. -- A special plate issued to a Justice of
11 the United States Supreme Court, a Judge of the United States
12 Circuit Court of Appeals, or a District Judge of the United
13 States District Court residing in North Carolina shall bear the
14 words "U.S. J" followed by a number beginning with "1". The
15 number shall reflect the judge's seniority based on continuous
16 service as a United States Judge as designated by the Secretary
17 of State. A judge who has retired or taken senior status shall
18 be issued a similar plate except that the number shall be based
19 on the date of the judge's retirement or assumption of senior
20 status and shall follow the numerical designation of active
21 justices and judges."

22 Section 6. This act is effective when it becomes law.

**1999 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES**

The following report(s) from standing committee(s) is/are presented:

By Representative(s) **Culpepper** for the Committee on **Rules, Calendar and Operations of the House.**

Committee Substitute for

S.B. 285 A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE DIVISION OF MOTOR VEHICLES TO ISSUE UNIVERSITY HEALTH SYSTEMS OF EASTERN CAROLINA SPECIAL REGISTRATION PLATES.

- With a favorable report.
- With a favorable report and recommendation that the bill be re-referred to the Committee on Appropriations Finance .
- With a favorable report, as amended.
- With a favorable report, as amended, and recommendation that the bill be re-referred to the Committee on Appropriations Finance .
- Without prejudice as to ^{House} committee substitute bill, which changes the title, unfavorable as to original bill, and recommendation that the committee substitute bill be re-referred to the Committee on Finance.
- With a favorable report as to House committee substitute bill (#), which changes the title, unfavorable as to Senate committee substitute bill.
- With an unfavorable report.
- With recommendation that the House concur.
- With recommendation that the House do not concur.
- With recommendation that the House do not concur; request conferees.
- With recommendation that the House concur; committee believes bill to be material.
- With an unfavorable report, with a Minority Report attached.
- Without prejudice.
- With an indefinite postponement report.
- With an indefinite postponement report, with a Minority Report attached.
- With recommendation that it be adopted. (HOUSE RESOLUTION ONLY)

2/24/99

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1999

H

D

HOUSE BILL 723
Committee Substitute Favorable 4/22/99
Proposed Committee Substitute H723-PCS8147-RN

Short Title: Dark Window Inspection Fee.

(Public)

Sponsors:

Referred to:

March 30, 1999

1 A BILL TO BE ENTITLED
2 AN ACT TO WAIVE THE AFTER-FACTORY WINDOW TINTING INSPECTION
3 FEE FOR PERSONS WITH DOCUMENTED MEDICAL CONDITIONS THAT
4 REQUIRE WINDOW TINTING.

5 The General Assembly of North Carolina enacts:

6 Section 1. G.S. 20-183.7(a) reads as rewritten:

7 "(a) Fee Amount. -- When a fee applies to an inspection of a vehicle or the
8 issuance of an inspection sticker, the fee must be collected. The following fees apply
9 to an inspection of a vehicle and the issuance of an inspection sticker:

10 <u>Type</u>	<u>Inspection</u>	<u>Sticker</u>
11 Safety Only, Without After-		
12 Factory Tinted Window	\$ 8.25	\$ 1.00
13 Safety Only, With After-Factory Tinted		
14 Window	18.25	1.00
15 Emissions and Safety Without After-Factory		
16 Tinted Window	17.00	2.40
17 Emissions and Safety With After-Factory		
18 Tinted Window	27.00	2.40.

19 The fee for performing an inspection of a vehicle applies when an inspection is
20 performed, regardless of whether the vehicle passes the inspection. The fee for an
21 inspection sticker applies when an inspection sticker is put on a vehicle. The fee for

1 performing an inspection of a vehicle with a tinted window applies only to an
2 inspection performed with a light meter after a safety inspection mechanic
3 determined that the window had after-factory tint.

4 A vehicle that is inspected at an inspection station and fails the inspection is
5 entitled to be reinspected at the same station at any time within 30 days of the failed
6 inspection without paying another inspection fee.

7 The fee for after-factory tinting inspection shall be waived by five dollars (\$5.00)
8 for any vehicle owner with a documented medical condition that requires after-
9 factory tinted windows."

10 Section 2. This act is effective when it becomes law.



NORTH CAROLINA GENERAL ASSEMBLY
AMENDMENT
House Bill 723

AMENDMENT NO. _____
(to be filled in by
Principal Clerk)
Page 1 of ____

H723-ALY-1

Date _____, 1999

Comm. Sub. [Yes]
Amends Title Yes[]
Second Edition

Representative Calpurn
~~Insko~~

- 1 moves to amend the bill on page 1, line 2,
- 2 by substituting the word "WAIVE" for the word "REDUCE".
- 3
- 4 and on page 2, line 6 by substituting the word "waived" for the
- 5 words "reduced by five dollars (\$5.00)".
- 6

SIGNED Bill Calpurn
~~_____~~
Amendment Sponsor

SIGNED _____
Committee Chair if Senate Committee Amendment

ADOPTED _____ FAILED _____ TABLED _____

**1999 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES**

The following report(s) from standing committee(s) is/are presented:

By Representative(s) **CULPEPPER** for the Committee on **RULES, CALENDAR AND OPERATIONS OF THE HOUSE.**

Committee Substitute for

H.B. 723 A BILL TO BE ENTITLED AN ACT TO REDUCE THE AFTER-FACTORY WINDOW TINTING INSPECTION FEE FOR PERSONS WITH DOCUMENTED MEDICAL CONDITIONS THAT REQUIRE WINDOW TINTING.

With a favorable report.

With a favorable report and recommendation that the bill be re-referred to the Committee on Appropriations Finance .

With a favorable report, as amended.

With a favorable report, as amended, and recommendation that the bill be re-referred to the Committee on Appropriations Finance .

With a favorable report as to committee substitute bill # 2, which changes the title, unfavorable as to Committee Substitute Bill # 1.

With a favorable report as to House committee substitute bill (#), which changes the title, unfavorable as to Senate committee substitute bill.

With an unfavorable report.

With recommendation that the House concur.

With recommendation that the House do not concur.

With recommendation that the House do not concur; request conferees.

With recommendation that the House concur; committee believes bill to be material.

With an unfavorable report, with a Minority Report attached.

Without prejudice.

With an indefinite postponement report.

With an indefinite postponement report, with a Minority Report attached.

With recommendation that it be adopted. (HOUSE RESOLUTION ONLY)

2/24/99

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1999

H

1

HOUSE BILL 431

Short Title: Yancey Local Act.

(Local)

Sponsors: Representative Gillespie.

Referred to: Rules, Calendar and Operations of the House.

March 15, 1999

1 A BILL TO BE ENTITLED
2 AN ACT RELATING TO YANCEY COUNTY AND TO THE MUNICIPALITIES
3 LOCATED IN THAT COUNTY.
4 The General Assembly of North Carolina enacts:
5 Section 1. This act applies only to Yancey County and to the
6 incorporated municipalities located in that county.
7 Section 2. This act is effective when it becomes law.

**1999 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES**

The following report(s) from standing committee(s) is/are presented:

By Representative(s) **CULPEPPER** for the Committee on **RULES, CALENDAR AND OPERATIONS OF THE HOUSE.**

- Committee Substitute for
H.B. 431 A BILL TO BE ENTITLED AN ACT RELATING TO YANCEY COUNTY AND TO THE MUNICIPALITIES LOCATED IN THAT COUNTY.
- With a favorable report.
- With a favorable report and recommendation that the bill be re-referred to the Committee on Appropriations Finance .
- With a favorable report, as amended.
- With a favorable report, as amended, and recommendation that the bill be re-referred to the Committee on Appropriations Finance .
- With a favorable report as to committee substitute bill (#), which changes the title, unfavorable as to (original bill) (Committee Substitute Bill #), (and recommendation that the committee substitute bill #) be re-referred to the Committee on .)
- With a favorable report as to House committee substitute bill (#), which changes the title, unfavorable as to Senate committee substitute bill.
- With an unfavorable report.
- With recommendation that the House concur.
- With recommendation that the House do not concur.
- With recommendation that the House do not concur; request conferees.
- With recommendation that the House concur; committee believes bill to be material.
- With an unfavorable report, with a Minority Report attached.
- Without prejudice.
- With an indefinite postponement report.
- With an indefinite postponement report, with a Minority Report attached.
- With recommendation that it be adopted. (HOUSE RESOLUTION ONLY)

2/24/99

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1999

H

1

HOUSE BILL 435

Short Title: 48th House Dist. Local Act-2.

(Local)

Sponsors: Representative Clary.

Referred to: Rules, Calendar and Operations of the House.

March 15, 1999

- 1 A BILL TO BE ENTITLED
2 AN ACT RELATING TO THE 48TH HOUSE DISTRICT.
3 The General Assembly of North Carolina enacts:
4 Section 1. This act relates to the 48th House District only.
5 Section 2. This act is effective when it becomes law.

**1999 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES**

The following report(s) from standing committee(s) is/are presented:

By Representative(s) **CULPEPPER** for the Committee on **RULES, CALENDAR AND
OPERATIONS OF THE HOUSE.**

Committee Substitute for

H.B. 435 A BILL TO BE ENTITLED AN ACT RELATING TO THE 48TH HOUSE
DISTRICT.

- With a favorable report.
- With a favorable report and recommendation that the bill be re-referred to the Committee on
Appropriations Finance .
- With a favorable report, as amended.
- With a favorable report, as amended, and recommendation that the bill be re-referred to the
Committee on Appropriations Finance .
- With a favorable report as to committee substitute bill (#), which changes the title,
unfavorable as to (original bill) (Committee Substitute Bill #), (and recommendation
that the committee substitute bill #) be re-referred to the Committee on .)
- With a favorable report as to House committee substitute bill (#), which changes
the title, unfavorable as to Senate committee substitute bill.
- With an unfavorable report.
- With recommendation that the House concur.
- With recommendation that the House do not concur.
- With recommendation that the House do not concur; request conferees.
- With recommendation that the House concur; committee believes bill to be material.
- With an unfavorable report, with a Minority Report attached.
- Without prejudice.
- With an indefinite postponement report.
- With an indefinite postponement report, with a Minority Report attached.
- With recommendation that it be adopted. (HOUSE RESOLUTION ONLY)

2/24/99

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 1999

H

1

HOUSE BILL 436

Short Title: 48th House Dist. Local Act-1.

(Local)

Sponsors: Representative Clary.

Referred to: Rules, Calendar and Operations of the House.

March 15, 1999

- 1 A BILL TO BE ENTITLED
2 AN ACT RELATING TO THE 48TH HOUSE DISTRICT.
3 The General Assembly of North Carolina enacts:
4 Section 1. This act relates to the 48th House District only.
5 Section 2. This act is effective when it becomes law.

**1999 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES**

The following report(s) from standing committee(s) is/are presented:

By Representative(s) **CULPEPPER** for the Committee on **RULES, CALENDAR AND OPERATIONS OF THE HOUSE**.

Committee Substitute for

H.B. 436 A BILL TO BE ENTITLED AN ACT RELATING TO THE 48TH HOUSE DISTRICT.

With a favorable report.

With a favorable report and recommendation that the bill be re-referred to the Committee on Appropriations Finance .

With a favorable report, as amended.

With a favorable report, as amended, and recommendation that the bill be re-referred to the Committee on Appropriations Finance .

With a favorable report as to committee substitute bill (#), which changes the title, unfavorable as to (original bill) (Committee Substitute Bill #), (and recommendation that the committee substitute bill #) be re-referred to the Committee on .)

With a favorable report as to House committee substitute bill (#), which changes the title, unfavorable as to Senate committee substitute bill.

With an unfavorable report.

With recommendation that the House concur.

With recommendation that the House do not concur.

With recommendation that the House do not concur; request conferees.

With recommendation that the House concur; committee believes bill to be material.

With an unfavorable report, with a Minority Report attached.

Without prejudice.

With an indefinite postponement report.

With an indefinite postponement report, with a Minority Report attached.

With recommendation that it be adopted. (HOUSE RESOLUTION ONLY)

2/24/99

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1999

H

1

HOUSE BILL 441

Short Title: Hyde County Local Act.

(Local)

Sponsors: Representative Edwards.

Referred to: Rules, Calendar and Operations of the House.

March 15, 1999

- 1 A BILL TO BE ENTITLED
2 AN ACT RELATING TO THE GOVERNANCE OF HYDE COUNTY.
3 The General Assembly of North Carolina enacts:
4 Section 1. This act applies to Hyde County only.
5 Section 2. This act is effective when it becomes law.

**1999 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES**

The following report(s) from standing committee(s) is/are presented:

By Representative(s) **CULPEPPER** for the Committee on **RULES, CALENDAR AND OPERATIONS OF THE HOUSE.**

- Committee Substitute for
H.B. 441 A BILL TO BE ENTITLED AN ACT RELATING TO THE GOVERNANCE OF
HYDE COUNTY.
- With a favorable report.
- With a favorable report and recommendation that the bill be re-referred to the Committee on
Appropriations Finance .
- With a favorable report, as amended.
- With a favorable report, as amended, and recommendation that the bill be re-referred to the
Committee on Appropriations Finance .
- With a favorable report as to committee substitute bill (#), which changes the title,
unfavorable as to (original bill) (Committee Substitute Bill #), (and recommendation
that the committee substitute bill #) be re-referred to the Committee on .)
- With a favorable report as to House committee substitute bill (#), which changes
the title, unfavorable as to Senate committee substitute bill.
- With an unfavorable report.
- With recommendation that the House concur.
- With recommendation that the House do not concur.
- With recommendation that the House do not concur; request conferees.
- With recommendation that the House concur; committee believes bill to be material.
- With an unfavorable report, with a Minority Report attached.
- Without prejudice.
- With an indefinite postponement report.
- With an indefinite postponement report, with a Minority Report attached.
- With recommendation that it be adopted. (HOUSE RESOLUTION ONLY)

2/24/99

**1999 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES**

The following report(s) from standing committee(s) is/are presented:

By Representative(s) **CULPEPPER** for the Committee on **RULES, CALENDAR AND OPERATIONS OF THE HOUSE.**

- Committee Substitute for
H.B. 442 A BILL TO BE ENTITLED AN ACT RELATING TO MCDOWELL COUNTY
AND TO THE MUNICIPALITIES LOCATED IN THAT COUNTY.
- With a favorable report.
- With a favorable report and recommendation that the bill be re-referred to the Committee on
Appropriations Finance .
- With a favorable report, as amended.
- With a favorable report, as amended, and recommendation that the bill be re-referred to the
Committee on Appropriations Finance .
- With a favorable report as to committee substitute bill (#), which changes the title,
unfavorable as to (original bill) (Committee Substitute Bill #), (and recommendation
that the committee substitute bill #) be re-referred to the Committee on .)
- With a favorable report as to House committee substitute bill (#), which changes
the title, unfavorable as to Senate committee substitute bill.
- With an unfavorable report.
- With recommendation that the House concur.
- With recommendation that the House do not concur.
- With recommendation that the House do not concur; request conferees.
- With recommendation that the House concur; committee believes bill to be material.
- With an unfavorable report, with a Minority Report attached.
- Without prejudice.
- With an indefinite postponement report.
- With an indefinite postponement report, with a Minority Report attached.
- With recommendation that it be adopted. (HOUSE RESOLUTION ONLY)

2/24/99

**1999 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES**

The following report(s) from standing committee(s) is/are presented:

By Representative(s) **CULPEPPER** for the Committee on **RULES, CALENDAR AND OPERATIONS OF THE HOUSE.**

- Committee Substitute for
H.B. 443 A BILL TO BE ENTITLED AN ACT RELATING TO MCDOWELL COUNTY
AND TO THE MUNICIPALITIES LOCATED IN THAT COUNTY.
- With a favorable report.
- With a favorable report and recommendation that the bill be re-referred to the Committee on Appropriations Finance .
- With a favorable report, as amended.
- With a favorable report, as amended, and recommendation that the bill be re-referred to the Committee on Appropriations Finance .
- With a favorable report as to committee substitute bill (#), which changes the title, unfavorable as to (original bill) (Committee Substitute Bill #), (and recommendation that the committee substitute bill #) be re-referred to the Committee on .)
- With a favorable report as to House committee substitute bill (#), which changes the title, unfavorable as to Senate committee substitute bill.
- With an unfavorable report.
- With recommendation that the House concur.
- With recommendation that the House do not concur.
- With recommendation that the House do not concur; request conferees.
- With recommendation that the House concur; committee believes bill to be material.
- With an unfavorable report, with a Minority Report attached.
- Without prejudice.
- With an indefinite postponement report.
- With an indefinite postponement report, with a Minority Report attached.
- With recommendation that it be adopted. (HOUSE RESOLUTION ONLY)

2/24/99

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1999

H

1

HOUSE BILL 445

Short Title: Polk County Local Act.

(Local)

Sponsors: Representative Horn.

Referred to: Rules, Calendar and Operations of the House.

March 15, 1999

- 1 A BILL TO BE ENTITLED
2 AN ACT RELATING TO THE GOVERNANCE OF POLK COUNTY.
3 The General Assembly of North Carolina enacts:
4 Section 1. This act applies to Polk County only.
5 Section 2. This act is effective when it becomes law.

**1999 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES**

The following report(s) from standing committee(s) is/are presented:

By Representative(s) **CULPEPPER** for the Committee on **RULES, CALENDAR AND OPERATIONS OF THE HOUSE.**

- Committee Substitute for
H.B. 445 A BILL TO BE ENTITLED AN ACT RELATING TO THE GOVERNANCE OF
POLK COUNTY.
- With a favorable report.
- With a favorable report and recommendation that the bill be re-referred to the Committee on
Appropriations Finance . .
- With a favorable report, as amended.
- With a favorable report, as amended, and recommendation that the bill be re-referred to the
Committee on Appropriations Finance . .
- With a favorable report as to committee substitute bill (#), which changes the title,
unfavorable as to (original bill) (Committee Substitute Bill #), (and recommendation
that the committee substitute bill #) be re-referred to the Committee on .)
- With a favorable report as to House committee substitute bill (#), which changes
the title, unfavorable as to Senate committee substitute bill.
- With an unfavorable report.
- With recommendation that the House concur.
- With recommendation that the House do not concur.
- With recommendation that the House do not concur; request conferees.
- With recommendation that the House concur; committee believes bill to be material.
- With an unfavorable report, with a Minority Report attached.
- Without prejudice.
- With an indefinite postponement report.
- With an indefinite postponement report, with a Minority Report attached.
- With recommendation that it be adopted. (HOUSE RESOLUTION ONLY)

2/24/99

**1999 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES**

The following report(s) from standing committee(s) is/are presented:

By Representative(s) **CULPEPPER** for the Committee on **RULES, CALENDAR AND OPERATIONS OF THE HOUSE.**

- Committee Substitute for
H.B. 455 A BILL TO BE ENTITLED AN ACT RELATING TO THE GOVERNANCE OF
ROCKINGHAM COUNTY.
- With a favorable report.
- With a favorable report and recommendation that the bill be re-referred to the Committee on
Appropriations Finance .
- With a favorable report, as amended.
- With a favorable report, as amended, and recommendation that the bill be re-referred to the
Committee on Appropriations Finance .
- With a favorable report as to committee substitute bill (#), which changes the title,
unfavorable as to (original bill) (Committee Substitute Bill #), (and recommendation
that the committee substitute bill #) be re-referred to the Committee on .)
- With a favorable report as to House committee substitute bill (#), which changes
the title, unfavorable as to Senate committee substitute bill.
- With an unfavorable report.
- With recommendation that the House concur.
- With recommendation that the House do not concur.
- With recommendation that the House do not concur; request conferees.
- With recommendation that the House concur; committee believes bill to be material.
- With an unfavorable report, with a Minority Report attached.
- Without prejudice.
- With an indefinite postponement report.
- With an indefinite postponement report, with a Minority Report attached.
- With recommendation that it be adopted. (HOUSE RESOLUTION ONLY)

2/24/99

**1999 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES**

The following report(s) from standing committee(s) is/are presented:

By Representative(s) **CULPEPPER** for the Committee on **RULES, CALENDAR AND OPERATIONS OF THE HOUSE.**

Committee Substitute for
H.B. 456 A BILL TO BE ENTITLED AN ACT RELATING TO THE GOVERNANCE OF
JONES COUNTY.

- With a favorable report.
- With a favorable report and recommendation that the bill be re-referred to the Committee on Appropriations Finance .
- With a favorable report, as amended.
- With a favorable report, as amended, and recommendation that the bill be re-referred to the Committee on Appropriations Finance .
- With a favorable report as to committee substitute bill (#), which changes the title, unfavorable as to (original bill) (Committee Substitute Bill #), (and recommendation that the committee substitute bill #) be re-referred to the Committee on .)
- With a favorable report as to House committee substitute bill (#), which changes the title, unfavorable as to Senate committee substitute bill.
- With an unfavorable report.
- With recommendation that the House concur.
- With recommendation that the House do not concur.
- With recommendation that the House do not concur; request conferees.
- With recommendation that the House concur; committee believes bill to be material.
- With an unfavorable report, with a Minority Report attached.
- Without prejudice.
- With an indefinite postponement report.
- With an indefinite postponement report, with a Minority Report attached.
- With recommendation that it be adopted. (HOUSE RESOLUTION ONLY)

2/24/99

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1999

H

1

HOUSE BILL 457

Short Title: Pamlico County Local Act.

(Local)

Sponsors: Representative Wainwright.

Referred to: Rules, Calendar and Operations of the House.

March 16, 1999

1 **A BILL TO BE ENTITLED**
2 **AN ACT RELATING TO THE GOVERNANCE OF PAMLICO COUNTY.**
3 **The General Assembly of North Carolina enacts:**
4 **Section 1. This act applies to Pamlico County only.**
5 **Section 2. This act is effective when it becomes law.**

**1999 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES**

The following report(s) from standing committee(s) is/are presented:

By Representative(s) **CULPEPPER** for the Committee on **RULES, CALENDAR AND OPERATIONS OF THE HOUSE.**

- Committee Substitute for
H.B. 457 A BILL TO BE ENTITLED AN ACT RELATING TO THE GOVERNANCE OF
PAMLICO COUNTY.
- With a favorable report.
- With a favorable report and recommendation that the bill be re-referred to the Committee on
Appropriations Finance .
- With a favorable report, as amended.
- With a favorable report, as amended, and recommendation that the bill be re-referred to the
Committee on Appropriations Finance .
- With a favorable report as to committee substitute bill (#), which changes the title,
unfavorable as to (original bill) (Committee Substitute Bill #), (and recommendation
that the committee substitute bill #) be re-referred to the Committee on .)
- With a favorable report as to House committee substitute bill (#), which changes
the title, unfavorable as to Senate committee substitute bill.
- With an unfavorable report.
- With recommendation that the House concur.
- With recommendation that the House do not concur.
- With recommendation that the House do not concur; request conferees.
- With recommendation that the House concur; committee believes bill to be material.
- With an unfavorable report, with a Minority Report attached.
- Without prejudice.
- With an indefinite postponement report.
- With an indefinite postponement report, with a Minority Report attached.
- With recommendation that it be adopted. (HOUSE RESOLUTION ONLY)

2/24/99

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 1999

H

1

HOUSE BILL 458

Short Title: Lenoir County Local Act.

(Local)

Sponsors: Representative Wainwright.

Referred to: Rules, Calendar and Operations of the House.

March 16, 1999

- 1 A BILL TO BE ENTITLED
2 AN ACT RELATING TO THE GOVERNANCE OF LENOIR COUNTY.
3 The General Assembly of North Carolina enacts:
4 Section 1. This act applies to Lenoir County only.
5 Section 2. This act is effective when it becomes law.

**1999 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES**

The following report(s) from standing committee(s) is/are presented:

By Representative(s) **CULPEPPER** for the Committee on **RULES, CALENDAR AND OPERATIONS OF THE HOUSE.**

- Committee Substitute for
H.B. 458 A BILL TO BE ENTITLED AN ACT RELATING TO THE GOVERNANCE OF
LENOIR COUNTY.
- With a favorable report.
- With a favorable report and recommendation that the bill be re-referred to the Committee on
Appropriations Finance .
- With a favorable report, as amended.
- With a favorable report, as amended, and recommendation that the bill be re-referred to the
Committee on Appropriations Finance .
- With a favorable report as to committee substitute bill (#), which changes the title,
unfavorable as to (original bill) (Committee Substitute Bill #), (and recommendation
that the committee substitute bill #) be re-referred to the Committee on .)
- With a favorable report as to House committee substitute bill (#), which changes
the title, unfavorable as to Senate committee substitute bill.
- With an unfavorable report.
- With recommendation that the House concur.
- With recommendation that the House do not concur.
- With recommendation that the House do not concur; request conferees.
- With recommendation that the House concur; committee believes bill to be material.
- With an unfavorable report, with a Minority Report attached.
- Without prejudice.
- With an indefinite postponement report.
- With an indefinite postponement report, with a Minority Report attached.
- With recommendation that it be adopted. (HOUSE RESOLUTION ONLY)

2/24/99

**1999 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES**

The following report(s) from standing committee(s) is/are presented:

By Representative(s) **CULPEPPER** for the Committee on **RULES, CALENDAR AND OPERATIONS OF THE HOUSE**.

- Committee Substitute for
H.B. 459 A BILL TO BE ENTITLED AN ACT RELATING TO THE GOVERNANCE OF
CRAVEN COUNTY.
- With a favorable report.
- With a favorable report and recommendation that the bill be re-referred to the Committee on
Appropriations Finance .
- With a favorable report, as amended.
- With a favorable report, as amended, and recommendation that the bill be re-referred to the
Committee on Appropriations Finance .
- With a favorable report as to committee substitute bill (#), which changes the title,
unfavorable as to (original bill) (Committee Substitute Bill #), (and recommendation
that the committee substitute bill #) be re-referred to the Committee on .)
- With a favorable report as to House committee substitute bill (#), which changes
the title, unfavorable as to Senate committee substitute bill.
- With an unfavorable report.
- With recommendation that the House concur.
- With recommendation that the House do not concur.
- With recommendation that the House do not concur; request conferees.
- With recommendation that the House concur; committee believes bill to be material.
- With an unfavorable report, with a Minority Report attached.
- Without prejudice.
- With an indefinite postponement report.
- With an indefinite postponement report, with a Minority Report attached.
- With recommendation that it be adopted. (HOUSE RESOLUTION ONLY)

2/24/99

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 1999

H

1

HOUSE BILL 460

Short Title: Craven County Local Act-2.

(Local)

Sponsors: Representative Wainwright.

Referred to: Rules, Calendar and Operations of the House.

March 16, 1999

- 1 A BILL TO BE ENTITLED
2 AN ACT RELATING TO THE GOVERNANCE OF CRAVEN COUNTY.
3 The General Assembly of North Carolina enacts:
4 Section 1. This act applies to Craven County only.
5 Section 2. This act is effective when it becomes law.

**1999 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES**

The following report(s) from standing committee(s) is/are presented:

By Representative(s) **CULPEPPER** for the Committee on **RULES, CALENDAR AND OPERATIONS OF THE HOUSE.**

- Committee Substitute for
H.B. 460 A BILL TO BE ENTITLED AN ACT RELATING TO THE GOVERNANCE OF
CRAVEN COUNTY.
- With a favorable report.
- With a favorable report and recommendation that the bill be re-referred to the Committee on
Appropriations Finance .
- With a favorable report, as amended.
- With a favorable report, as amended, and recommendation that the bill be re-referred to the
Committee on Appropriations Finance .
- With a favorable report as to committee substitute bill (#), which changes the title,
unfavorable as to (original bill) (Committee Substitute Bill #), (and recommendation
that the committee substitute bill #) be re-referred to the Committee on .)
- With a favorable report as to House committee substitute bill (#), which changes
the title, unfavorable as to Senate committee substitute bill.
- With an unfavorable report.
- With recommendation that the House concur.
- With recommendation that the House do not concur.
- With recommendation that the House do not concur; request conferees.
- With recommendation that the House concur; committee believes bill to be material.
- With an unfavorable report, with a Minority Report attached.
- Without prejudice.
- With an indefinite postponement report.
- With an indefinite postponement report, with a Minority Report attached.
- With recommendation that it be adopted. (HOUSE RESOLUTION ONLY)

2/24/99

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1999

H

1

HOUSE BILL 466

Short Title: Modify Carteret Room Tax.

(Local)

Sponsors: Representatives Smith; and Preston.

Referred to: Rules, Calendar and Operations of the House.

March 16, 1999

- 1 A BILL TO BE ENTITLED
- 2 AN ACT TO MODIFY THE CARTERET COUNTY ROOM OCCUPANCY TAX.
- 3 The General Assembly of North Carolina enacts:
- 4 Section 1. This act is effective when it becomes law.

**1999 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES**

The following report(s) from standing committee(s) is/are presented:

By Representative(s) **CULPEPPER** for the Committee on **RULES, CALENDAR AND OPERATIONS OF THE HOUSE.**

- Committee Substitute for
H.B. 466 A BILL TO BE ENTITLED AN ACT TO MODIFY THE CARTERET COUNTY ROOM OCCUPANCY TAX.
- With a favorable report.
- With a favorable report and recommendation that the bill be re-referred to the Committee on Appropriations Finance .
- With a favorable report, as amended.
- With a favorable report, as amended, and recommendation that the bill be re-referred to the Committee on Appropriations Finance .
- With a favorable report as to committee substitute bill (#), which changes the title, unfavorable as to (original bill) (Committee Substitute Bill #), (and recommendation that the committee substitute bill #) be re-referred to the Committee on .)
- With a favorable report as to House committee substitute bill (#), which changes the title, unfavorable as to Senate committee substitute bill.
- With an unfavorable report.
- With recommendation that the House concur.
- With recommendation that the House do not concur.
- With recommendation that the House do not concur; request conferees.
- With recommendation that the House concur; committee believes bill to be material.
- With an unfavorable report, with a Minority Report attached.
- Without prejudice.
- With an indefinite postponement report.
- With an indefinite postponement report, with a Minority Report attached.
- With recommendation that it be adopted. (HOUSE RESOLUTION ONLY)

2/24/99

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1999

H

1

HOUSE BILL 472

Short Title: House District 84-1.

(Local)

Sponsors: Representative Decker.

Referred to: Rules, Calendar and Operations of the House.

March 17, 1999

- 1 A BILL TO BE ENTITLED
2 AN ACT RELATING TO HOUSE DISTRICT 84.
3 The General Assembly of North Carolina enacts:
4 Section 1. This act relates to House District 84.
5 Section 2. This act is effective when it becomes law.

**1999 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES**

The following report(s) from standing committee(s) is/are presented:

By Representative(s) **CULPEPPER** for the Committee on **RULES, CALENDAR AND OPERATIONS OF THE HOUSE**.

- Committee Substitute for
H.B. 472 A BILL TO BE ENTITLED AN ACT RELATING TO HOUSE DISTRICT 84.
- With a favorable report.
- With a favorable report and recommendation that the bill be re-referred to the Committee on Appropriations Finance .
- With a favorable report, as amended.
- With a favorable report, as amended, and recommendation that the bill be re-referred to the Committee on Appropriations Finance .
- With a favorable report as to committee substitute bill (#), which changes the title, unfavorable as to (original bill) (Committee Substitute Bill #), (and recommendation that the committee substitute bill #) be re-referred to the Committee on .)
- With a favorable report as to House committee substitute bill (#), which changes the title, unfavorable as to Senate committee substitute bill.
- With an unfavorable report.
- With recommendation that the House concur.
- With recommendation that the House do not concur.
- With recommendation that the House do not concur; request conferees.
- With recommendation that the House concur; committee believes bill to be material.
- With an unfavorable report, with a Minority Report attached.
- Without prejudice.
- With an indefinite postponement report.
- With an indefinite postponement report, with a Minority Report attached.
- With recommendation that it be adopted. (HOUSE RESOLUTION ONLY)

2/24/99

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 1999

H

1

HOUSE BILL 473

Short Title: House District 84-2.

(Local)

Sponsors: Representative Decker.

Referred to: Rules, Calendar and Operations of the House.

March 17, 1999

- 1 A BILL TO BE ENTITLED
2 AN ACT RELATING TO HOUSE DISTRICT 84.
3 The General Assembly of North Carolina enacts:
4 Section 1. This act relates to House District 84.
5 Section 2. This act is effective when it becomes law.

**1999 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES**

The following report(s) from standing committee(s) is/are presented:

By Representative(s) **CULPEPPER** for the Committee on **RULES, CALENDAR AND OPERATIONS OF THE HOUSE**.

- Committee Substitute for
H.B. 473 A BILL TO BE ENTITLED AN ACT RELATING TO HOUSE DISTRICT 84.
- With a favorable report.
- With a favorable report and recommendation that the bill be re-referred to the Committee on Appropriations Finance .
- With a favorable report, as amended.
- With a favorable report, as amended, and recommendation that the bill be re-referred to the Committee on Appropriations Finance .
- With a favorable report as to committee substitute bill (#), which changes the title, unfavorable as to (original bill) (Committee Substitute Bill #), (and recommendation that the committee substitute bill #) be re-referred to the Committee on .)
- With a favorable report as to House committee substitute bill (#), which changes the title, unfavorable as to Senate committee substitute bill.
- With an unfavorable report.
- With recommendation that the House concur.
- With recommendation that the House do not concur.
- With recommendation that the House do not concur; request conferees.
- With recommendation that the House concur; committee believes bill to be material.
- With an unfavorable report, with a Minority Report attached.
- Without prejudice.
- With an indefinite postponement report.
- With an indefinite postponement report, with a Minority Report attached.
- With recommendation that it be adopted. (HOUSE RESOLUTION ONLY)

2/24/99

**1999 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES**

The following report(s) from standing committee(s) is/are presented:

By Representative(s) **CULPEPPER** for the Committee on **RULES, CALENDAR AND OPERATIONS OF THE HOUSE**.

- Committee Substitute for
H.B. 481 A BILL TO BE ENTITLED AN ACT TO AMEND THE LAW REGARDING
CABARRUS COUNTY AND MUNICIPALITIES WITHIN CABARRUS COUNTY.
- With a favorable report.
- With a favorable report and recommendation that the bill be re-referred to the Committee on
Appropriations Finance .
- With a favorable report, as amended.
- With a favorable report, as amended, and recommendation that the bill be re-referred to the
Committee on Appropriations Finance .
- With a favorable report as to committee substitute bill (#), which changes the title,
unfavorable as to (original bill) (Committee Substitute Bill #), (and recommendation
that the committee substitute bill #) be re-referred to the Committee on .)
- With a favorable report as to House committee substitute bill (#), which changes
the title, unfavorable as to Senate committee substitute bill.
- With an unfavorable report.
- With recommendation that the House concur.
- With recommendation that the House do not concur.
- With recommendation that the House do not concur; request conferees.
- With recommendation that the House concur; committee believes bill to be material.
- With an unfavorable report, with a Minority Report attached.
- Without prejudice.
- With an indefinite postponement report.
- With an indefinite postponement report, with a Minority Report attached.
- With recommendation that it be adopted. (HOUSE RESOLUTION ONLY)

2/24/99

**1999 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES**

The following report(s) from standing committee(s) is/are presented:

By Representative(s) **CULPEPPER** for the Committee on **RULES, CALENDAR AND OPERATIONS OF THE HOUSE**.

- Committee Substitute for
H.B. 482 A BILL TO BE ENTITLED AN ACT TO AMEND THE LAW REGARDING
CABARRUS COUNTY AND MUNICIPALITIES WITHIN CABARRUS COUNTY.
- With a favorable report.
- With a favorable report and recommendation that the bill be re-referred to the Committee on
Appropriations Finance .
- With a favorable report, as amended.
- With a favorable report, as amended, and recommendation that the bill be re-referred to the
Committee on Appropriations Finance .
- With a favorable report as to committee substitute bill (#), which changes the title,
unfavorable as to (original bill) (Committee Substitute Bill #), (and recommendation
that the committee substitute bill #) be re-referred to the Committee on .)
- With a favorable report as to House committee substitute bill (#), which changes
the title, unfavorable as to Senate committee substitute bill.
- With an unfavorable report.
- With recommendation that the House concur.
- With recommendation that the House do not concur.
- With recommendation that the House do not concur; request conferees.
- With recommendation that the House concur; committee believes bill to be material.
- With an unfavorable report, with a Minority Report attached.
- Without prejudice.
- With an indefinite postponement report.
- With an indefinite postponement report, with a Minority Report attached.
- With recommendation that it be adopted. (HOUSE RESOLUTION ONLY)

2/24/99

**1999 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES**

The following report(s) from standing committee(s) is/are presented:

By Representative(s) **CULPEPPER** for the Committee on **RULES, CALENDAR AND OPERATIONS OF THE HOUSE.**

- Committee Substitute for
H.B. 498 A BILL TO BE ENTITLED AN ACT RELATING TO THE GOVERNANCE OF
MECKLENBURG COUNTY.
- With a favorable report.
- With a favorable report and recommendation that the bill be re-referred to the Committee on
Appropriations Finance .
- With a favorable report, as amended.
- With a favorable report, as amended, and recommendation that the bill be re-referred to the
Committee on Appropriations Finance .
- With a favorable report as to committee substitute bill (#), which changes the title,
unfavorable as to (original bill) (Committee Substitute Bill #), (and recommendation
that the committee substitute bill #) be re-referred to the Committee on .)
- With a favorable report as to House committee substitute bill (#), which changes
the title, unfavorable as to Senate committee substitute bill.
- With an unfavorable report.
- With recommendation that the House concur.
- With recommendation that the House do not concur.
- With recommendation that the House do not concur; request conferees.
- With recommendation that the House concur; committee believes bill to be material.
- With an unfavorable report, with a Minority Report attached.
- Without prejudice.
- With an indefinite postponement report.
- With an indefinite postponement report, with a Minority Report attached.
- With recommendation that it be adopted. (HOUSE RESOLUTION ONLY)

2/24/99

**1999 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES**

The following report(s) from standing committee(s) is/are presented:

By Representative(s) **CULPEPPER** for the Committee on **RULES, CALENDAR AND OPERATIONS OF THE HOUSE.**

- Committee Substitute for
H.B. 515 A BILL TO BE ENTITLED AN ACT RELATING TO THE GOVERNANCE OF MECKLENBURG COUNTY AND TO THE MUNICIPALITIES LOCATED IN THAT COUNTY.
- With a favorable report.
- With a favorable report and recommendation that the bill be re-referred to the Committee on Appropriations Finance .
- With a favorable report, as amended.
- With a favorable report, as amended, and recommendation that the bill be re-referred to the Committee on Appropriations Finance .
- With a favorable report as to committee substitute bill (#), which changes the title, unfavorable as to (original bill) (Committee Substitute Bill #), (and recommendation that the committee substitute bill #) be re-referred to the Committee on .
- With a favorable report as to House committee substitute bill (#), which changes the title, unfavorable as to Senate committee substitute bill.
- With an unfavorable report.
- With recommendation that the House concur.
- With recommendation that the House do not concur.
- With recommendation that the House do not concur; request conferees.
- With recommendation that the House concur; committee believes bill to be material.
- With an unfavorable report, with a Minority Report attached.
- Without prejudice.
- With an indefinite postponement report.
- With an indefinite postponement report, with a Minority Report attached.
- With recommendation that it be adopted. (HOUSE RESOLUTION ONLY)

2/24/99

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1999

H

1

HOUSE BILL 516

Short Title: Rockingham Co. Local Act-1.

(Local)

Sponsors: Representative Sexton.

Referred to: Rules, Calendar and Operations of the House.

March 22, 1999

1 A BILL TO BE ENTITLED
2 AN ACT RELATING TO ROCKINGHAM COUNTY AND TO THE
3 MUNICIPALITIES LOCATED IN THAT COUNTY.
4 The General Assembly of North Carolina enacts:
5 Section 1. This act relates to Rockingham County and to the
6 incorporated municipalities located in that County.
7 Section 2. This act is effective when it becomes law.

**1999 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES**

The following report(s) from standing committee(s) is/are presented:

By Representative(s) **CULPEPPER** for the Committee on **RULES, CALENDAR AND OPERATIONS OF THE HOUSE.**

- Committee Substitute for
H.B. 516 A BILL TO BE ENTITLED AN ACT RELATING TO ROCKINGHAM COUNTY AND TO THE MUNICIPALITIES LOCATED IN THAT COUNTY.
- With a favorable report.
- With a favorable report and recommendation that the bill be re-referred to the Committee on Appropriations Finance .
- With a favorable report, as amended.
- With a favorable report, as amended, and recommendation that the bill be re-referred to the Committee on Appropriations Finance .
- With a favorable report as to committee substitute bill (#), which changes the title, unfavorable as to (original bill) (Committee Substitute Bill #), (and recommendation that the committee substitute bill #) be re-referred to the Committee on .)
- With a favorable report as to House committee substitute bill (#), which changes the title, unfavorable as to Senate committee substitute bill.
- With an unfavorable report.
- With recommendation that the House concur.
- With recommendation that the House do not concur.
- With recommendation that the House do not concur; request conferees.
- With recommendation that the House concur; committee believes bill to be material.
- With an unfavorable report, with a Minority Report attached.
- Without prejudice.
- With an indefinite postponement report.
- With an indefinite postponement report, with a Minority Report attached.
- With recommendation that it be adopted. (HOUSE RESOLUTION ONLY)

2/24/99

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1999

H

1

HOUSE BILL 521

Short Title: 50th House District-1.

(Local)

Sponsors: Representative Justus.

Referred to: Rules, Calendar and Operations of the House.

March 22, 1999

- 1 A BILL TO BE ENTITLED
2 AN ACT RELATING TO THE 50TH HOUSE DISTRICT.
3 The General Assembly of North Carolina enacts:
4 Section 1. This act relates to the 50th House District.
5 Section 2. This act is effective when it becomes law.

**1999 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES**

The following report(s) from standing committee(s) is/are presented:

By Representative(s) **CULPEPPER** for the Committee on **RULES, CALENDAR AND OPERATIONS OF THE HOUSE.**

- Committee Substitute for
H.B. 521 A BILL TO BE ENTITLED AN ACT RELATING TO THE 50TH HOUSE DISTRICT.
- With a favorable report.
- With a favorable report and recommendation that the bill be re-referred to the Committee on Appropriations Finance .
- With a favorable report, as amended.
- With a favorable report, as amended, and recommendation that the bill be re-referred to the Committee on Appropriations Finance .
- With a favorable report as to committee substitute bill (#), which changes the title, unfavorable as to (original bill) (Committee Substitute Bill #), (and recommendation that the committee substitute bill #) be re-referred to the Committee on .)
- With a favorable report as to House committee substitute bill (#), which changes the title, unfavorable as to Senate committee substitute bill.
- With an unfavorable report.
- With recommendation that the House concur.
- With recommendation that the House do not concur.
- With recommendation that the House do not concur; request conferees.
- With recommendation that the House concur; committee believes bill to be material.
- With an unfavorable report, with a Minority Report attached.
- Without prejudice.
- With an indefinite postponement report.
- With an indefinite postponement report, with a Minority Report attached.
- With recommendation that it be adopted. (HOUSE RESOLUTION ONLY)

2/24/99

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1999

H

1

HOUSE BILL 522

Short Title: 50th House District-6.

(Local)

Sponsors: Representative Justus.

Referred to: Rules, Calendar and Operations of the House.

March 22, 1999

- 1 A BILL TO BE ENTITLED
2 AN ACT RELATING TO THE 50TH HOUSE DISTRICT.
3 The General Assembly of North Carolina enacts:
4 Section 1. This act relates to the 50th House District.
5 Section 2. This act is effective when it becomes law.

**1999 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES**

The following report(s) from standing committee(s) is/are presented:

By Representative(s) **CULPEPPER** for the Committee on **RULES, CALENDAR AND OPERATIONS OF THE HOUSE**.

- Committee Substitute for
H.B. 522 A BILL TO BE ENTITLED AN ACT RELATING TO THE 50TH HOUSE DISTRICT.
- With a favorable report.
- With a favorable report and recommendation that the bill be re-referred to the Committee on Appropriations Finance .
- With a favorable report, as amended.
- With a favorable report, as amended, and recommendation that the bill be re-referred to the Committee on Appropriations Finance .
- With a favorable report as to committee substitute bill (#), which changes the title, unfavorable as to (original bill) (Committee Substitute Bill #), (and recommendation that the committee substitute bill #) be re-referred to the Committee on .)
- With a favorable report as to House committee substitute bill (#), which changes the title, unfavorable as to Senate committee substitute bill.
- With an unfavorable report.
- With recommendation that the House concur.
- With recommendation that the House do not concur.
- With recommendation that the House do not concur; request conferees.
- With recommendation that the House concur; committee believes bill to be material.
- With an unfavorable report, with a Minority Report attached.
- Without prejudice.
- With an indefinite postponement report.
- With an indefinite postponement report, with a Minority Report attached.
- With recommendation that it be adopted. (HOUSE RESOLUTION ONLY)

2/24/99

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1999

H

1

HOUSE BILL 523

Short Title: 50th House District-2.

(Local)

Sponsors: Representative Justus.

Referred to: Rules, Calendar and Operations of the House.

March 22, 1999

1 A BILL TO BE ENTITLED
2 AN ACT RELATING TO THE 50TH HOUSE DISTRICT.
3 The General Assembly of North Carolina enacts:
4 Section 1. This act relates to the 50th House District.
5 Section 2. This act is effective when it becomes law.

**1999 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES**

The following report(s) from standing committee(s) is/are presented:

By Representative(s) **CULPEPPER** for the Committee on **RULES, CALENDAR AND OPERATIONS OF THE HOUSE**.

- Committee Substitute for
H.B. 523 A BILL TO BE ENTITLED AN ACT RELATING TO THE 50TH HOUSE DISTRICT.
- With a favorable report.
- With a favorable report and recommendation that the bill be re-referred to the Committee on Appropriations Finance .
- With a favorable report, as amended.
- With a favorable report, as amended, and recommendation that the bill be re-referred to the Committee on Appropriations Finance .
- With a favorable report as to committee substitute bill (#), which changes the title, unfavorable as to (original bill) (Committee Substitute Bill #), (and recommendation that the committee substitute bill #) be re-referred to the Committee on .)
- With a favorable report as to House committee substitute bill (#), which changes the title, unfavorable as to Senate committee substitute bill.
- With an unfavorable report.
- With recommendation that the House concur.
- With recommendation that the House do not concur.
- With recommendation that the House do not concur; request conferees.
- With recommendation that the House concur; committee believes bill to be material.
- With an unfavorable report, with a Minority Report attached.
- Without prejudice.
- With an indefinite postponement report.
- With an indefinite postponement report, with a Minority Report attached.
- With recommendation that it be adopted. (HOUSE RESOLUTION ONLY)

2/24/99

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1999

H

1

HOUSE BILL 524

Short Title: 50th House District-3.

(Local)

Sponsors: Representative Justus.

Referred to: Rules, Calendar and Operations of the House.

March 22, 1999

- 1 A BILL TO BE ENTITLED
2 AN ACT RELATING TO THE 50TH HOUSE DISTRICT.
3 The General Assembly of North Carolina enacts:
4 Section 1. This act relates to the 50th House District.
5 Section 2. This act is effective when it becomes law.

**1999 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES**

The following report(s) from standing committee(s) is/are presented:

By Representative(s) **CULPEPPER** for the Committee on **RULES, CALENDAR AND OPERATIONS OF THE HOUSE**.

- Committee Substitute for
H.B. 524 A BILL TO BE ENTITLED AN ACT RELATING TO THE 50TH HOUSE DISTRICT.
- With a favorable report.
- With a favorable report and recommendation that the bill be re-referred to the Committee on Appropriations Finance .
- With a favorable report, as amended.
- With a favorable report, as amended, and recommendation that the bill be re-referred to the Committee on Appropriations Finance .
- With a favorable report as to committee substitute bill (#), which changes the title, unfavorable as to (original bill) (Committee Substitute Bill #), (and recommendation that the committee substitute bill #) be re-referred to the Committee on .)
- With a favorable report as to House committee substitute bill (#), which changes the title, unfavorable as to Senate committee substitute bill.
- With an unfavorable report.
- With recommendation that the House concur.
- With recommendation that the House do not concur.
- With recommendation that the House do not concur; request conferees.
- With recommendation that the House concur; committee believes bill to be material.
- With an unfavorable report, with a Minority Report attached.
- Without prejudice.
- With an indefinite postponement report.
- With an indefinite postponement report, with a Minority Report attached.
- With recommendation that it be adopted. (HOUSE RESOLUTION ONLY)

2/24/99

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 1999

H

1

HOUSE BILL 539

Short Title: 30th House Dist. Local Act-2.

(Local)

Sponsors: Representative Culp.

Referred to: Rules, Calendar and Operations of the House.

March 23, 1999

- 1 A BILL TO BE ENTITLED
2 AN ACT RELATING TO THE 30TH HOUSE DISTRICT.
3 The General Assembly of North Carolina enacts:
4 Section 1. This act relates to the 30th House District.
5 Section 2. This act is effective when it becomes law.

**1999 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES**

The following report(s) from standing committee(s) is/are presented:

By Representative(s) **CULPEPPER** for the Committee on **RULES, CALENDAR AND OPERATIONS OF THE HOUSE.**

- Committee Substitute for
H.B. 539 A BILL TO BE ENTITLED AN ACT RELATING TO THE 30TH HOUSE DISTRICT.
- With a favorable report.
- With a favorable report and recommendation that the bill be re-referred to the Committee on Appropriations Finance .
- With a favorable report, as amended.
- With a favorable report, as amended, and recommendation that the bill be re-referred to the Committee on Appropriations Finance .
- With a favorable report as to committee substitute bill (#), which changes the title, unfavorable as to (original bill) (Committee Substitute Bill #), (and recommendation that the committee substitute bill #) be re-referred to the Committee on .)
- With a favorable report as to House committee substitute bill (#), which changes the title, unfavorable as to Senate committee substitute bill.
- With an unfavorable report.
- With recommendation that the House concur.
- With recommendation that the House do not concur.
- With recommendation that the House do not concur; request conferees.
- With recommendation that the House concur; committee believes bill to be material.
- With an unfavorable report, with a Minority Report attached.
- Without prejudice.
- With an indefinite postponement report.
- With an indefinite postponement report, with a Minority Report attached.
- With recommendation that it be adopted. (HOUSE RESOLUTION ONLY)

2/24/99

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1999

H

1

HOUSE BILL 540

Short Title: 30th House Dist. Local Act-1.

(Local)

Sponsors: Representative Culp.

Referred to: Rules, Calendar and Operations of the House.

March 23, 1999

- 1 A BILL TO BE ENTITLED
2 AN ACT RELATING TO THE 30TH HOUSE DISTRICT.
3 The General Assembly of North Carolina enacts:
4 Section 1. This act relates to the 30th House District.
5 Section 2. This act is effective when it becomes law.

**1999 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES**

The following report(s) from standing committee(s) is/are presented:

By Representative(s) **CULPEPPER** for the Committee on **RULES, CALENDAR AND OPERATIONS OF THE HOUSE.**

- Committee Substitute for
H.B. 540 A BILL TO BE ENTITLED AN ACT RELATING TO THE 30TH HOUSE DISTRICT.
- With a favorable report.
- With a favorable report and recommendation that the bill be re-referred to the Committee on Appropriations Finance .
- With a favorable report, as amended.
- With a favorable report, as amended, and recommendation that the bill be re-referred to the Committee on Appropriations Finance .
- With a favorable report as to committee substitute bill (#), which changes the title, unfavorable as to (original bill) (Committee Substitute Bill #), (and recommendation that the committee substitute bill #) be re-referred to the Committee on .)
- With a favorable report as to House committee substitute bill (#), which changes the title, unfavorable as to Senate committee substitute bill.
- With an unfavorable report.
- With recommendation that the House concur.
- With recommendation that the House do not concur.
- With recommendation that the House do not concur; request conferees.
- With recommendation that the House concur; committee believes bill to be material.
- With an unfavorable report, with a Minority Report attached.
- Without prejudice.
- With an indefinite postponement report.
- With an indefinite postponement report, with a Minority Report attached.
- With recommendation that it be adopted. (HOUSE RESOLUTION ONLY)

2/24/99

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1999

H

1

HOUSE BILL 542

Short Title: Davie County Local Act.

(Local)

Sponsors: Representative Howard.

Referred to: Rules, Calendar and Operations of the House.

March 23, 1999

- 1 A BILL TO BE ENTITLED
2 AN ACT RELATING TO THE GOVERNANCE OF DAVIE COUNTY.
3 The General Assembly of North Carolina enacts:
4 Section 1. This act applies to Davie County only.
5 Section 2. This act is effective when it becomes law.

**1999 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES**

The following report(s) from standing committee(s) is/are presented:

By Representative(s) **CULPEPPER** for the Committee on **RULES, CALENDAR AND OPERATIONS OF THE HOUSE.**

- Committee Substitute for
H.B. 542 A BILL TO BE ENTITLED AN ACT RELATING TO THE GOVERNANCE OF
DAVIE COUNTY.
- With a favorable report.
- With a favorable report and recommendation that the bill be re-referred to the Committee on
Appropriations Finance .
- With a favorable report, as amended.
- With a favorable report, as amended, and recommendation that the bill be re-referred to the
Committee on Appropriations Finance .
- With a favorable report as to committee substitute bill (#), which changes the title,
unfavorable as to (original bill) (Committee Substitute Bill #), (and recommendation
that the committee substitute bill #) be re-referred to the Committee on .)
- With a favorable report as to House committee substitute bill (#), which changes
the title, unfavorable as to Senate committee substitute bill.
- With an unfavorable report.
- With recommendation that the House concur.
- With recommendation that the House do not concur.
- With recommendation that the House do not concur; request conferees.
- With recommendation that the House concur; committee believes bill to be material.
- With an unfavorable report, with a Minority Report attached.
- Without prejudice.
- With an indefinite postponement report.
- With an indefinite postponement report, with a Minority Report attached.
- With recommendation that it be adopted. (HOUSE RESOLUTION ONLY)

2/24/99

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1999

H

1

HOUSE BILL 543

Short Title: Davidson County Local Act.

(Local)

Sponsors: Representative Howard.

Referred to: Rules, Calendar and Operations of the House.

March 23, 1999

- 1 A BILL TO BE ENTITLED
2 AN ACT RELATING TO THE GOVERNANCE OF DAVIDSON COUNTY.
3 The General Assembly of North Carolina enacts:
4 Section 1. This act applies to Davidson County only.
5 Section 2. This act is effective when it becomes law.

**1999 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES**

The following report(s) from standing committee(s) is/are presented:

By Representative(s) **CULPEPPER** for the Committee on **RULES, CALENDAR AND OPERATIONS OF THE HOUSE.**

Committee Substitute for
H.B. 543 A BILL TO BE ENTITLED AN ACT RELATING TO THE GOVERNANCE OF
DAVIDSON COUNTY.

- With a favorable report.
- With a favorable report and recommendation that the bill be re-referred to the Committee on
Appropriations Finance .
- With a favorable report, as amended.
- With a favorable report, as amended, and recommendation that the bill be re-referred to the
Committee on Appropriations Finance .
- With a favorable report as to committee substitute bill (#), which changes the title,
unfavorable as to (original bill) (Committee Substitute Bill #), (and recommendation
that the committee substitute bill #) be re-referred to the Committee on .)
- With a favorable report as to House committee substitute bill (#), which changes
the title, unfavorable as to Senate committee substitute bill.
- With an unfavorable report.
- With recommendation that the House concur.
- With recommendation that the House do not concur.
- With recommendation that the House do not concur; request conferees.
- With recommendation that the House concur; committee believes bill to be material.
- With an unfavorable report, with a Minority Report attached.
- Without prejudice.
- With an indefinite postponement report.
- With an indefinite postponement report, with a Minority Report attached.
- With recommendation that it be adopted. (HOUSE RESOLUTION ONLY)

2/24/99

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1999

H

1

HOUSE BILL 544

Short Title: Clinton Local Retirement.

(Local)

Sponsors: Representative Warwick.

Referred to: Rules, Calendar and Operations of the House.

March 23, 1999

- 1 A BILL TO BE ENTITLED
2 AN ACT TO AMEND THE CLINTON FIREMEN'S RETIREMENT SYSTEM.
3 The General Assembly of North Carolina enacts:
4 Section 1. This act is effective when it becomes law.

**1999 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES**

The following report(s) from standing committee(s) is/are presented:

By Representative(s) **CULPEPPER** for the Committee on **RULES, CALENDAR AND OPERATIONS OF THE HOUSE.**

- Committee Substitute for
H.B. 544 A BILL TO BE ENTITLED AN ACT TO AMEND THE CLINTON FIREMEN'S
RETIREMENT SYSTEM.
- With a favorable report.
- With a favorable report and recommendation that the bill be re-referred to the Committee on
Appropriations Finance .
- With a favorable report, as amended.
- With a favorable report, as amended, and recommendation that the bill be re-referred to the
Committee on Appropriations Finance .
- With a favorable report as to committee substitute bill (#), which changes the title,
unfavorable as to (original bill) (Committee Substitute Bill #), (and recommendation
that the committee substitute bill #) be re-referred to the Committee on .)
- With a favorable report as to House committee substitute bill (#), which changes
the title, unfavorable as to Senate committee substitute bill.
- With an unfavorable report.
- With recommendation that the House concur.
- With recommendation that the House do not concur.
- With recommendation that the House do not concur; request conferees.
- With recommendation that the House concur; committee believes bill to be material.
- With an unfavorable report, with a Minority Report attached.
- Without prejudice.
- With an indefinite postponement report.
- With an indefinite postponement report, with a Minority Report attached.
- With recommendation that it be adopted. (HOUSE RESOLUTION ONLY)

2/24/99

**1999 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES**

The following report(s) from standing committee(s) is/are presented:

By Representative(s) **CULPEPPER** for the Committee on **RULES, CALENDAR AND OPERATIONS OF THE HOUSE.**

Committee Substitute for

H.B. 545 A BILL TO BE ENTITLED AN ACT RELATING TO PENDER COUNTY.

- With a favorable report.
- With a favorable report and recommendation that the bill be re-referred to the Committee on Appropriations Finance .
- With a favorable report, as amended.
- With a favorable report, as amended, and recommendation that the bill be re-referred to the Committee on Appropriations Finance .
- With a favorable report as to committee substitute bill (#), which changes the title, unfavorable as to (original bill) (Committee Substitute Bill #), (and recommendation that the committee substitute bill #) be re-referred to the Committee on .)
- With a favorable report as to House committee substitute bill (#), which changes the title, unfavorable as to Senate committee substitute bill.
- With an unfavorable report.
- With recommendation that the House concur.
- With recommendation that the House do not concur.
- With recommendation that the House do not concur; request conferees.
- With recommendation that the House concur; committee believes bill to be material.
- With an unfavorable report, with a Minority Report attached.
- Without prejudice.
- With an indefinite postponement report.
- With an indefinite postponement report, with a Minority Report attached.
- With recommendation that it be adopted. (HOUSE RESOLUTION ONLY)

2/24/99

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 1999

H

1

HOUSE BILL 547

Short Title: Camden Co. Local Act.

(Local)

Sponsors: Representative Owens.

Referred to: Rules, Calendar and Operations of the House.

March 23, 1999

- 1 A BILL TO BE ENTITLED
2 AN ACT RELATING TO THE GOVERNANCE OF CAMDEN COUNTY.
3 The General Assembly of North Carolina enacts:
4 Section 1. This act applies to Camden County only.
5 Section 2. This act is effective when it becomes law.

*

**1999 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES**

The following report(s) from standing committee(s) is/are presented:

By Representative(s) **CULPEPPER** for the Committee on **RULES, CALENDAR AND OPERATIONS OF THE HOUSE.**

Committee Substitute for
H.B. 547 A BILL TO BE ENTITLED AN ACT RELATING TO THE GOVERNANCE OF
CAMDEN COUNTY.

- With a favorable report.
- With a favorable report and recommendation that the bill be re-referred to the Committee on Appropriations Finance .
- With a favorable report, as amended.
- With a favorable report, as amended, and recommendation that the bill be re-referred to the Committee on Appropriations Finance .
- With a favorable report as to committee substitute bill (#), which changes the title, unfavorable as to (original bill) (Committee Substitute Bill #), (and recommendation that the committee substitute bill #) be re-referred to the Committee on .)
- With a favorable report as to House committee substitute bill (#), which changes the title, unfavorable as to Senate committee substitute bill.
- With an unfavorable report.
- With recommendation that the House concur.
- With recommendation that the House do not concur.
- With recommendation that the House do not concur; request conferees.
- With recommendation that the House concur; committee believes bill to be material.
- With an unfavorable report, with a Minority Report attached.
- Without prejudice.
- With an indefinite postponement report.
- With an indefinite postponement report, with a Minority Report attached.
- With recommendation that it be adopted. (HOUSE RESOLUTION ONLY)

2/24/99

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 1999

H

1

HOUSE BILL 548

Short Title: Perquimans Co. Local Act.

(Local)

Sponsors: Representative Owens.

Referred to: Rules, Calendar and Operations of the House.

March 23, 1999

- 1 A BILL TO BE ENTITLED
2 AN ACT RELATING TO THE GOVERNANCE OF PERQUIMANS COUNTY.
3 The General Assembly of North Carolina enacts:
4 Section 1. This act applies to Perquimans County only.
5 Section 2. This act is effective when it becomes law.

**1999 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES**

The following report(s) from standing committee(s) is/are presented:

By Representative(s) **CULPEPPER** for the Committee on **RULES, CALENDAR AND OPERATIONS OF THE HOUSE.**

- Committee Substitute for
H.B. 548 A BILL TO BE ENTITLED AN ACT RELATING TO THE GOVERNANCE OF
PERQUIMANS COUNTY.
- With a favorable report.
- With a favorable report and recommendation that the bill be re-referred to the Committee on
Appropriations Finance .
- With a favorable report, as amended.
- With a favorable report, as amended, and recommendation that the bill be re-referred to the
Committee on Appropriations Finance .
- With a favorable report as to committee substitute bill (#), which changes the title,
unfavorable as to (original bill) (Committee Substitute Bill #), (and recommendation
that the committee substitute bill #) be re-referred to the Committee on .)
- With a favorable report as to House committee substitute bill (#), which changes
the title, unfavorable as to Senate committee substitute bill.
- With an unfavorable report.
- With recommendation that the House concur.
- With recommendation that the House do not concur.
- With recommendation that the House do not concur; request conferees.
- With recommendation that the House concur; committee believes bill to be material.
- With an unfavorable report, with a Minority Report attached.
- Without prejudice.
- With an indefinite postponement report.
- With an indefinite postponement report, with a Minority Report attached.
- With recommendation that it be adopted. (HOUSE RESOLUTION ONLY)

2/24/99

**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 1999**

H

1

HOUSE BILL 549

Short Title: Currituck Co. Local Act.

(Local)

Sponsors: Representative Owens.

Referred to: Rules, Calendar and Operations of the House.

March 23, 1999

- 1 A BILL TO BE ENTITLED
2 AN ACT RELATING TO THE GOVERNANCE OF CURRITUCK COUNTY.
3 The General Assembly of North Carolina enacts:
4 Section 1. This act applies to Currituck County only.
5 Section 2. This act is effective when it becomes law.

**1999 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES**

The following report(s) from standing committee(s) is/are presented:

By Representative(s) **CULPEPPER** for the Committee on **RULES, CALENDAR AND OPERATIONS OF THE HOUSE.**

- Committee Substitute for
H.B. 549 A BILL TO BE ENTITLED AN ACT RELATING TO THE GOVERNANCE OF
CURRITUCK COUNTY.
- With a favorable report.
- With a favorable report and recommendation that the bill be re-referred to the Committee on
Appropriations Finance .
- With a favorable report, as amended.
- With a favorable report, as amended, and recommendation that the bill be re-referred to the
Committee on Appropriations Finance .
- With a favorable report as to committee substitute bill (#), which changes the title,
unfavorable as to (original bill) (Committee Substitute Bill #), (and recommendation
that the committee substitute bill #) be re-referred to the Committee on .)
- With a favorable report as to House committee substitute bill (#), which changes
the title, unfavorable as to Senate committee substitute bill.
- With an unfavorable report.
- With recommendation that the House concur.
- With recommendation that the House do not concur.
- With recommendation that the House do not concur; request conferees.
- With recommendation that the House concur; committee believes bill to be material.
- With an unfavorable report, with a Minority Report attached.
- Without prejudice.
- With an indefinite postponement report.
- With an indefinite postponement report, with a Minority Report attached.
- With recommendation that it be adopted. (HOUSE RESOLUTION ONLY)

2/24/99

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1999

H

1

HOUSE BILL 550

Short Title: Pasquotank Co. Local Act.

(Local)

Sponsors: Representative Owens.

Referred to: Rules, Calendar and Operations of the House.

March 23, 1999

1

A BILL TO BE ENTITLED

2 AN ACT RELATING TO THE GOVERNANCE OF PASQUOTANK COUNTY.

3 The General Assembly of North Carolina enacts:

4 Section 1. This act applies to Pasquotank County only.

5 Section 2. This act is effective when it becomes law.

**1999 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES**

The following report(s) from standing committee(s) is/are presented:

By Representative(s) **CULPEPPER** for the Committee on **RULES, CALENDAR AND OPERATIONS OF THE HOUSE.**

- Committee Substitute for
H.B. 550 A BILL TO BE ENTITLED AN ACT RELATING TO THE GOVERNANCE OF
PASQUOTANK COUNTY.
- With a favorable report.
- With a favorable report and recommendation that the bill be re-referred to the Committee on
Appropriations Finance .
- With a favorable report, as amended.
- With a favorable report, as amended, and recommendation that the bill be re-referred to the
Committee on Appropriations Finance .
- With a favorable report as to committee substitute bill (#), which changes the title,
unfavorable as to (original bill) (Committee Substitute Bill #), (and recommendation
that the committee substitute bill #) be re-referred to the Committee on .)
- With a favorable report as to House committee substitute bill (#), which changes
the title, unfavorable as to Senate committee substitute bill.
- With an unfavorable report.
- With recommendation that the House concur.
- With recommendation that the House do not concur.
- With recommendation that the House do not concur; request conferees.
- With recommendation that the House concur; committee believes bill to be material.
- With an unfavorable report, with a Minority Report attached.
- Without prejudice.
- With an indefinite postponement report.
- With an indefinite postponement report, with a Minority Report attached.
- With recommendation that it be adopted. (HOUSE RESOLUTION ONLY)

2/24/99

**1999 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES**

The following report(s) from standing committee(s) is/are presented:

By Representative(s) **CULPEPPER** for the Committee on **RULES, CALENDAR AND OPERATIONS OF THE HOUSE.**

- Committee Substitute for
H.B. 551 A BILL TO BE ENTITLED AN ACT RELATING TO JOHNSTON COUNTY
AND THE MUNICIPALITIES LOCATED WHOLLY OR PARTIALLY WITHIN THE
COUNTY.
- With a favorable report.
- With a favorable report and recommendation that the bill be re-referred to the Committee on
Appropriations Finance .
- With a favorable report, as amended.
- With a favorable report, as amended, and recommendation that the bill be re-referred to the
Committee on Appropriations Finance .
- With a favorable report as to committee substitute bill (#), which changes the title,
unfavorable as to (original bill) (Committee Substitute Bill #), (and recommendation
that the committee substitute bill #) be re-referred to the Committee on .)
- With a favorable report as to House committee substitute bill (#), which changes
the title, unfavorable as to Senate committee substitute bill.
- With an unfavorable report.
- With recommendation that the House concur.
- With recommendation that the House do not concur.
- With recommendation that the House do not concur; request conferees.
- With recommendation that the House concur; committee believes bill to be material.
- With an unfavorable report, with a Minority Report attached.
- Without prejudice.
- With an indefinite postponement report.
- With an indefinite postponement report, with a Minority Report attached.
- With recommendation that it be adopted. (HOUSE RESOLUTION ONLY)

2/24/99

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1999

H

1

HOUSE BILL 552

Short Title: Johnston County Local Act-1. (Local)

Sponsors: Representative Daughtry.

Referred to: Ruler, Calendar and Operations of the House.

March 23, 1999

- 1 A BILL TO BE ENTITLED
2 AN ACT RELATING TO JOHNSTON COUNTY AND THE MUNICIPALITIES
3 LOCATED WHOLLY OR PARTIALLY WITHIN THE COUNTY.
4 The General Assembly of North Carolina enacts:
5 Section 1. This act relates to Johnston County and the municipalities
6 located wholly or partially within the county.
7 Section 2. This act is effective when it becomes law.

**1999 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES**

The following report(s) from standing committee(s) is/are presented:

By Representative(s) **CULPEPPER** for the Committee on **RULES, CALENDAR AND OPERATIONS OF THE HOUSE.**

- Committee Substitute for
H.B. 552 A BILL TO BE ENTITLED AN ACT RELATING TO JOHNSTON COUNTY
AND THE MUNICIPALITIES LOCATED WHOLLY OR PARTIALLY WITHIN THE
COUNTY.
- With a favorable report.
- With a favorable report and recommendation that the bill be re-referred to the Committee on
Appropriations Finance .
- With a favorable report, as amended.
- With a favorable report, as amended, and recommendation that the bill be re-referred to the
Committee on Appropriations Finance .
- With a favorable report as to committee substitute bill (#), which changes the title,
unfavorable as to (original bill) (Committee Substitute Bill #), (and recommendation
that the committee substitute bill #) be re-referred to the Committee on .)
- With a favorable report as to House committee substitute bill (#), which changes
the title, unfavorable as to Senate committee substitute bill.
- With an unfavorable report.
- With recommendation that the House concur.
- With recommendation that the House do not concur.
- With recommendation that the House do not concur; request conferees.
- With recommendation that the House concur; committee believes bill to be material.
- With an unfavorable report, with a Minority Report attached.
- Without prejudice.
- With an indefinite postponement report.
- With an indefinite postponement report, with a Minority Report attached.
- With recommendation that it be adopted. (HOUSE RESOLUTION ONLY)

2/24/99

**1999 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES**

The following report(s) from standing committee(s) is/are presented:

By Representative(s) **CULPEPPER** for the Committee on **RULES, CALENDAR AND OPERATIONS OF THE HOUSE**.

- Committee Substitute for
H.B. 553 A BILL TO BE ENTITLED AN ACT RELATING TO JOHNSTON COUNTY
AND THE MUNICIPALITIES LOCATED WHOLLY OR PARTIALLY WITHIN THE
COUNTY.
- With a favorable report.
- With a favorable report and recommendation that the bill be re-referred to the Committee on
Appropriations Finance .
- With a favorable report, as amended.
- With a favorable report, as amended, and recommendation that the bill be re-referred to the
Committee on Appropriations Finance .
- With a favorable report as to committee substitute bill (#), which changes the title,
unfavorable as to (original bill) (Committee Substitute Bill #), (and recommendation
that the committee substitute bill #) be re-referred to the Committee on .)
- With a favorable report as to House committee substitute bill (#), which changes
the title, unfavorable as to Senate committee substitute bill.
- With an unfavorable report.
- With recommendation that the House concur.
- With recommendation that the House do not concur.
- With recommendation that the House do not concur; request conferees.
- With recommendation that the House concur; committee believes bill to be material.
- With an unfavorable report, with a Minority Report attached.
- Without prejudice.
- With an indefinite postponement report.
- With an indefinite postponement report, with a Minority Report attached.
- With recommendation that it be adopted. (HOUSE RESOLUTION ONLY)

2/24/99

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 1999

H

1

HOUSE BILL 554

Short Title: Pender Local Act.

(Local)

Sponsors: Representative Warwick.

Referred to: Rules, Calendar and Operations of the House.

March 23, 1999

- 1 A BILL TO BE ENTITLED
- 2 AN ACT RELATING TO PENDER COUNTY.
- 3 The General Assembly of North Carolina enacts:
- 4 Section 1. This act applies to Pender County only.
- 5 Section 2. This act is effective when it becomes law.

**1999 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES**

The following report(s) from standing committee(s) is/are presented:

By Representative(s) **CULPEPPER** for the Committee on **RULES, CALENDAR AND OPERATIONS OF THE HOUSE.**

- Committee Substitute for
H.B. 554 A BILL TO BE ENTITLED AN ACT RELATING TO PENDER COUNTY.
- With a favorable report.
- With a favorable report and recommendation that the bill be re-referred to the Committee on Appropriations Finance .
- With a favorable report, as amended.
- With a favorable report, as amended, and recommendation that the bill be re-referred to the Committee on Appropriations Finance .
- With a favorable report as to committee substitute bill (#), which changes the title, unfavorable as to (original bill) (Committee Substitute Bill #), (and recommendation that the committee substitute bill #) be re-referred to the Committee on .)
- With a favorable report as to House committee substitute bill (#), which changes the title, unfavorable as to Senate committee substitute bill.
- With an unfavorable report.
- With recommendation that the House concur.
- With recommendation that the House do not concur.
- With recommendation that the House do not concur; request conferees.
- With recommendation that the House concur; committee believes bill to be material.
- With an unfavorable report, with a Minority Report attached.
- Without prejudice.
- With an indefinite postponement report.
- With an indefinite postponement report, with a Minority Report attached.
- With recommendation that it be adopted. (HOUSE RESOLUTION ONLY)

2/24/99

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 1999

H

1

HOUSE BILL 555

Short Title: Pender Local Act.

(Local)

Sponsors: Representative Warwick.

Referred to: Rules, Calendar and Operations of the House.

March 23, 1999

- 1 A BILL TO BE ENTITLED
- 2 AN ACT RELATING TO PENDER COUNTY.
- 3 The General Assembly of North Carolina enacts:
- 4 Section 1. This act applies to Pender County only.
- 5 Section 2. This act is effective when it becomes law.

**1999 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES**

The following report(s) from standing committee(s) is/are presented:

By Representative(s) **CULPEPPER** for the Committee on **RULES, CALENDAR AND
OPERATIONS OF THE HOUSE.**

Committee Substitute for

H.B. 555 A BILL TO BE ENTITLED AN ACT RELATING TO PENDER COUNTY.

With a favorable report.

With a favorable report and recommendation that the bill be re-referred to the Committee on Appropriations Finance .

With a favorable report, as amended.

With a favorable report, as amended, and recommendation that the bill be re-referred to the Committee on Appropriations Finance .

With a favorable report as to committee substitute bill (#), which changes the title, unfavorable as to (original bill) (Committee Substitute Bill #), (and recommendation that the committee substitute bill #) be re-referred to the Committee on .)

With a favorable report as to House committee substitute bill (#), which changes the title, unfavorable as to Senate committee substitute bill.

With an unfavorable report.

With recommendation that the House concur.

With recommendation that the House do not concur.

With recommendation that the House do not concur; request conferees.

With recommendation that the House concur; committee believes bill to be material.

With an unfavorable report, with a Minority Report attached.

Without prejudice.

With an indefinite postponement report.

With an indefinite postponement report, with a Minority Report attached.

With recommendation that it be adopted. (HOUSE RESOLUTION ONLY)

2/24/99

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 1999

H

1

HOUSE BILL 556

Short Title: Onslow Local Act.

(Local)

Sponsors: Representative Warwick.

Referred to: Rules, Calendar and Operations of the House.

March 23, 1999

- 1 A BILL TO BE ENTITLED
- 2 AN ACT RELATING TO ONSLOW COUNTY.
- 3 The General Assembly of North Carolina enacts:
- 4 Section 1. This act applies to Onslow County only.
- 5 Section 2. This act is effective when it becomes law.

**1999 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES**

The following report(s) from standing committee(s) is/are presented:

By Representative(s) **CULPEPPER** for the Committee on **RULES, CALENDAR AND OPERATIONS OF THE HOUSE.**

Committee Substitute for

H.B. 556 A BILL TO BE ENTITLED AN ACT RELATING TO ONSLOW COUNTY.

- With a favorable report.
- With a favorable report and recommendation that the bill be re-referred to the Committee on Appropriations Finance .
- With a favorable report, as amended.
- With a favorable report, as amended, and recommendation that the bill be re-referred to the Committee on Appropriations Finance .
- With a favorable report as to committee substitute bill (#), which changes the title, unfavorable as to (original bill) (Committee Substitute Bill #), (and recommendation that the committee substitute bill #) be re-referred to the Committee on .)
- With a favorable report as to House committee substitute bill (#), which changes the title, unfavorable as to Senate committee substitute bill.
- With an unfavorable report.
- With recommendation that the House concur.
- With recommendation that the House do not concur.
- With recommendation that the House do not concur; request conferees.
- With recommendation that the House concur; committee believes bill to be material.
- With an unfavorable report, with a Minority Report attached.
- Without prejudice.
- With an indefinite postponement report.
- With an indefinite postponement report, with a Minority Report attached.
- With recommendation that it be adopted. (HOUSE RESOLUTION ONLY)

2/24/99

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1999

H

1

HOUSE BILL 557

Short Title: Onslow Local Act.

(Local)

Sponsors: Representative Warwick.

Referred to: Rules, Calendar and Operations of the House.

March 23, 1999

- 1 A BILL TO BE ENTITLED
- 2 AN ACT RELATING TO ONSLOW COUNTY.
- 3 The General Assembly of North Carolina enacts:
- 4 Section 1. This act applies to Onslow County only.
- 5 Section 2. This act is effective when it becomes law.

**1999 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES**

The following report(s) from standing committee(s) is/are presented:

By Representative(s) **CULPEPPER** for the Committee on **RULES, CALENDAR AND OPERATIONS OF THE HOUSE.**

- Committee Substitute for
H.B. 557 A BILL TO BE ENTITLED AN ACT RELATING TO ONSLOW COUNTY.
- With a favorable report.
- With a favorable report and recommendation that the bill be re-referred to the Committee on Appropriations Finance .
- With a favorable report, as amended.
- With a favorable report, as amended, and recommendation that the bill be re-referred to the Committee on Appropriations Finance .
- With a favorable report as to committee substitute bill (#), which changes the title, unfavorable as to (original bill) (Committee Substitute Bill #), (and recommendation that the committee substitute bill #) be re-referred to the Committee on .)
- With a favorable report as to House committee substitute bill (#), which changes the title, unfavorable as to Senate committee substitute bill.
- With an unfavorable report.
- With recommendation that the House concur.
- With recommendation that the House do not concur.
- With recommendation that the House do not concur; request conferees.
- With recommendation that the House concur; committee believes bill to be material.
- With an unfavorable report, with a Minority Report attached.
- Without prejudice.
- With an indefinite postponement report.
- With an indefinite postponement report, with a Minority Report attached.
- With recommendation that it be adopted. (HOUSE RESOLUTION ONLY)

2/24/99

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1999

H

1

HOUSE BILL 558

Short Title: Sampson Local Act.

(Local)

Sponsors: Representative Warwick.

Referred to: Rules, Calendar and Operations of the House.

March 23, 1999

- 1 A BILL TO BE ENTITLED
2 AN ACT RELATING TO SAMPSON COUNTY.
3 The General Assembly of North Carolina enacts:
4 Section 1. This act applies to Sampson County only.
5 Section 2. This act is effective when it becomes law.

**1999 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES**

The following report(s) from standing committee(s) is/are presented:

By Representative(s) **CULPEPPER** for the Committee on **RULES, CALENDAR AND OPERATIONS OF THE HOUSE.**

Committee Substitute for

H.B. 558 A BILL TO BE ENTITLED AN ACT RELATING TO SAMPSON COUNTY.

With a favorable report.

With a favorable report and recommendation that the bill be re-referred to the Committee on Appropriations Finance .

With a favorable report, as amended.

With a favorable report, as amended, and recommendation that the bill be re-referred to the Committee on Appropriations Finance .

With a favorable report as to committee substitute bill (#), which changes the title, unfavorable as to (original bill) (Committee Substitute Bill #), (and recommendation that the committee substitute bill #) be re-referred to the Committee on .)

With a favorable report as to House committee substitute bill (#), which changes the title, unfavorable as to Senate committee substitute bill.

With an unfavorable report.

With recommendation that the House concur.

With recommendation that the House do not concur.

With recommendation that the House do not concur; request conferees.

With recommendation that the House concur; committee believes bill to be material.

With an unfavorable report, with a Minority Report attached.

Without prejudice.

With an indefinite postponement report.

With an indefinite postponement report, with a Minority Report attached.

With recommendation that it be adopted. (HOUSE RESOLUTION ONLY)

2/24/99

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 1999

H

1

HOUSE BILL 559

Short Title: Sampson Local Act.

(Local)

Sponsors: Representative Warwick.

Referred to: Rules, Calendar and Operations of the House.

March 23, 1999

- 1 A BILL TO BE ENTITLED
- 2 AN ACT RELATING TO SAMPSON COUNTY.
- 3 The General Assembly of North Carolina enacts:
- 4 Section 1. This act applies to Sampson County only.
- 5 Section 2. This act is effective when it becomes law.

**1999 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES**

The following report(s) from standing committee(s) is/are presented:

By Representative(s) **CULPEPPER** for the Committee on **RULES, CALENDAR AND OPERATIONS OF THE HOUSE**.

- Committee Substitute for
H.B. 559 A BILL TO BE ENTITLED AN ACT RELATING TO SAMPSON COUNTY.
- With a favorable report.
- With a favorable report and recommendation that the bill be re-referred to the Committee on Appropriations Finance .
- With a favorable report, as amended.
- With a favorable report, as amended, and recommendation that the bill be re-referred to the Committee on Appropriations Finance .
- With a favorable report as to committee substitute bill (#), which changes the title, unfavorable as to (original bill) (Committee Substitute Bill #), (and recommendation that the committee substitute bill #) be re-referred to the Committee on .)
- With a favorable report as to House committee substitute bill (#), which changes the title, unfavorable as to Senate committee substitute bill.
- With an unfavorable report.
- With recommendation that the House concur.
- With recommendation that the House do not concur.
- With recommendation that the House do not concur; request conferees.
- With recommendation that the House concur; committee believes bill to be material.
- With an unfavorable report, with a Minority Report attached.
- Without prejudice.
- With an indefinite postponement report.
- With an indefinite postponement report, with a Minority Report attached.
- With recommendation that it be adopted. (HOUSE RESOLUTION ONLY)

2/24/99

**1999 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES**

The following report(s) from standing committee(s) is/are presented:

By Representative(s) **CULPEPPER** for the Committee on **RULES, CALENDAR AND OPERATIONS OF THE HOUSE.**

- Committee Substitute for
H.B. 560 A BILL TO BE ENTITLED AN ACT RELATING TO SAMPSON COUNTY.
- With a favorable report.
- With a favorable report and recommendation that the bill be re-referred to the Committee on Appropriations Finance .
- With a favorable report, as amended.
- With a favorable report, as amended, and recommendation that the bill be re-referred to the Committee on Appropriations Finance .
- With a favorable report as to committee substitute bill (#), which changes the title, unfavorable as to (original bill) (Committee Substitute Bill #), (and recommendation that the committee substitute bill #) be re-referred to the Committee on .)
- With a favorable report as to House committee substitute bill (#), which changes the title, unfavorable as to Senate committee substitute bill.
- With an unfavorable report.
- With recommendation that the House concur.
- With recommendation that the House do not concur.
- With recommendation that the House do not concur; request conferees.
- With recommendation that the House concur; committee believes bill to be material.
- With an unfavorable report, with a Minority Report attached.
- Without prejudice.
- With an indefinite postponement report.
- With an indefinite postponement report, with a Minority Report attached.
- With recommendation that it be adopted. (HOUSE RESOLUTION ONLY)

2/24/99

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 1999

H

1

HOUSE BILL 563*

Short Title: Duplin County Local Act.

(Local)

Sponsors: Representatives Tucker and Braswell.

Referred to: Rules, Calendar and Operations of the House.

March 23, 1999

- 1 A BILL TO BE ENTITLED
2 AN ACT RELATING TO THE GOVERNANCE OF DUPLIN COUNTY.
3 The General Assembly of North Carolina enacts:
4 Section 1. This act applies to Duplin County only.
5 Section 2. This act is effective when it becomes law.

**1999 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES**

The following report(s) from standing committee(s) is/are presented:

By Representative(s) **CULPEPPER** for the Committee on **RULES, CALENDAR AND OPERATIONS OF THE HOUSE**.

- Committee Substitute for
H.B. 563 A BILL TO BE ENTITLED AN ACT RELATING TO THE GOVERNANCE OF
DUPLIN COUNTY.
- With a favorable report.
- With a favorable report and recommendation that the bill be re-referred to the Committee on
Appropriations Finance .
- With a favorable report, as amended.
- With a favorable report, as amended, and recommendation that the bill be re-referred to the
Committee on Appropriations Finance .
- With a favorable report as to committee substitute bill (#), which changes the title,
unfavorable as to (original bill) (Committee Substitute Bill #), (and recommendation
that the committee substitute bill #) be re-referred to the Committee on .)
- With a favorable report as to House committee substitute bill (#), which changes
the title, unfavorable as to Senate committee substitute bill.
- With an unfavorable report.
- With recommendation that the House concur.
- With recommendation that the House do not concur.
- With recommendation that the House do not concur; request conferees.
- With recommendation that the House concur; committee believes bill to be material.
- With an unfavorable report, with a Minority Report attached.
- Without prejudice.
- With an indefinite postponement report.
- With an indefinite postponement report, with a Minority Report attached.
- With recommendation that it be adopted. (HOUSE RESOLUTION ONLY)

2/24/99

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1999

H

1

HOUSE BILL 564*

Short Title: Magnolia Local Act.

(Local)

Sponsors: Representatives Tucker and Braswell.

Referred to: Rules, Calendar and Operations of the House.

March 23, 1999

- 1 A BILL TO BE ENTITLED
2 AN ACT RELATING TO THE TOWN OF MAGNOLIA.
3 The General Assembly of North Carolina enacts:
4 Section 1. This act relates to the Town of Magnolia.
5 Section 2. This act is effective when it becomes law.

**1999 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES**

The following report(s) from standing committee(s) is/are presented:

By Representative(s) **CULPEPPER** for the Committee on **RULES, CALENDAR AND OPERATIONS OF THE HOUSE.**

- Committee Substitute for
H.B. 564 A BILL TO BE ENTITLED AN ACT RELATING TO THE TOWN OF
MAGNOLIA.
- With a favorable report.
- With a favorable report and recommendation that the bill be re-referred to the Committee on
Appropriations Finance .
- With a favorable report, as amended.
- With a favorable report, as amended, and recommendation that the bill be re-referred to the
Committee on Appropriations Finance .
- With a favorable report as to committee substitute bill (#), which changes the title,
unfavorable as to (original bill) (Committee Substitute Bill #), (and recommendation
that the committee substitute bill #) be re-referred to the Committee on .)
- With a favorable report as to House committee substitute bill (#), which changes
the title, unfavorable as to Senate committee substitute bill.
- With an unfavorable report.
- With recommendation that the House concur.
- With recommendation that the House do not concur.
- With recommendation that the House do not concur; request conferees.
- With recommendation that the House concur; committee believes bill to be material.
- With an unfavorable report, with a Minority Report attached.
- Without prejudice.
- With an indefinite postponement report.
- With an indefinite postponement report, with a Minority Report attached.
- With recommendation that it be adopted. (HOUSE RESOLUTION ONLY)

2/24/99

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 1999

H

1

HOUSE BILL 565*

Short Title: Kenansville Local Act.

(Local)

Sponsors: Representatives Tucker and Braswell.

Referred to: Rules, Calendar and Operations of the House.

March 23, 1999

- 1 A BILL TO BE ENTITLED
2 AN ACT RELATING TO THE TOWN OF KENANSVILLE.
3 The General Assembly of North Carolina enacts:
4 Section 1. This act relates to the Town of Kenansville.
5 Section 2. This act is effective when it becomes law.

**1999 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES**

The following report(s) from standing committee(s) is/are presented:

By Representative(s) **CULPEPPER** for the Committee on **RULES, CALENDAR AND
OPERATIONS OF THE HOUSE.**

Committee Substitute for

H.B. 565 A BILL TO BE ENTITLED AN ACT RELATING TO THE TOWN OF
KENANSVILLE.

With a favorable report.

With a favorable report and recommendation that the bill be re-referred to the Committee on
Appropriations Finance .

With a favorable report, as amended.

With a favorable report, as amended, and recommendation that the bill be re-referred to the
Committee on Appropriations Finance .

With a favorable report as to committee substitute bill (#), which changes the title,
unfavorable as to (original bill) (Committee Substitute Bill #), (and recommendation
that the committee substitute bill #) be re-referred to the Committee on .)

With a favorable report as to House committee substitute bill (#), which changes
the title, unfavorable as to Senate committee substitute bill.

With an unfavorable report.

With recommendation that the House concur.

With recommendation that the House do not concur.

With recommendation that the House do not concur; request conferees.

With recommendation that the House concur; committee believes bill to be material.

With an unfavorable report, with a Minority Report attached.

Without prejudice.

With an indefinite postponement report.

With an indefinite postponement report, with a Minority Report attached.

With recommendation that it be adopted. (HOUSE RESOLUTION ONLY)

2/24/99

**1999 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES**

The following report(s) from standing committee(s) is/are presented:

By Representative(s) **CULPEPPER** for the Committee on **RULES, CALENDAR AND OPERATIONS OF THE HOUSE.**

- Committee Substitute for
H.B. 566 A BILL TO BE ENTITLED AN ACT RELATING TO THE TOWN OF
WARSAW.
- With a favorable report.
- With a favorable report and recommendation that the bill be re-referred to the Committee on Appropriations Finance .
- With a favorable report, as amended.
- With a favorable report, as amended, and recommendation that the bill be re-referred to the Committee on Appropriations Finance .
- With a favorable report as to committee substitute bill (#), which changes the title, unfavorable as to (original bill) (Committee Substitute Bill #), (and recommendation that the committee substitute bill #) be re-referred to the Committee on .)
- With a favorable report as to House committee substitute bill (#), which changes the title, unfavorable as to Senate committee substitute bill.
- With an unfavorable report.
- With recommendation that the House concur.
- With recommendation that the House do not concur.
- With recommendation that the House do not concur; request conferees.
- With recommendation that the House concur; committee believes bill to be material.
- With an unfavorable report, with a Minority Report attached.
- Without prejudice.
- With an indefinite postponement report.
- With an indefinite postponement report, with a Minority Report attached.
- With recommendation that it be adopted. (HOUSE RESOLUTION ONLY)

2/24/99

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1999

H

1

HOUSE BILL 567*

Short Title: Beulaville Local Act.

(Local)

Sponsors: Representatives Tucker and Braswell.

Referred to: Rules, Calendar and Operations of the House.

March 23, 1999

- 1 A BILL TO BE ENTITLED
- 2 AN ACT RELATING TO THE TOWN OF BEULAVILLE.
- 3 The General Assembly of North Carolina enacts:
- 4 Section 1. This act relates to the Town of Beulaville.
- 5 Section 2. This act is effective when it becomes law.

**1999 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES**

The following report(s) from standing committee(s) is/are presented:

By Representative(s) **CULPEPPER** for the Committee on **RULES, CALENDAR AND OPERATIONS OF THE HOUSE.**

Committee Substitute for

H.B. 567 A BILL TO BE ENTITLED AN ACT RELATING TO THE TOWN OF BEULAVILLE.

- With a favorable report.
- With a favorable report and recommendation that the bill be re-referred to the Committee on Appropriations Finance .
- With a favorable report, as amended.
- With a favorable report, as amended, and recommendation that the bill be re-referred to the Committee on Appropriations Finance .
- With a favorable report as to committee substitute bill (#), which changes the title, unfavorable as to (original bill) (Committee Substitute Bill #), (and recommendation that the committee substitute bill #) be re-referred to the Committee on .)
- With a favorable report as to House committee substitute bill (#), which changes the title, unfavorable as to Senate committee substitute bill.
- With an unfavorable report.
- With recommendation that the House concur.
- With recommendation that the House do not concur.
- With recommendation that the House do not concur; request conferees.
- With recommendation that the House concur; committee believes bill to be material.
- With an unfavorable report, with a Minority Report attached.
- Without prejudice.
- With an indefinite postponement report.
- With an indefinite postponement report, with a Minority Report attached.
- With recommendation that it be adopted. (HOUSE RESOLUTION ONLY)

2/24/99

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1999

H

1

HOUSE BILL 568*

Short Title: Wallace Local Act-2.

(Local)

Sponsors: Representatives Tucker and Braswell.

Referred to: Rules, Calendar and Operations of the House.

March 23, 1999

- 1 A BILL TO BE ENTITLED
- 2 AN ACT RELATING TO THE TOWN OF WALLACE.
- 3 The General Assembly of North Carolina enacts:
- 4 Section 1. This act relates to the Town of Wallace.
- 5 Section 2. This act is effective when it becomes law.

**1999 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES**

The following report(s) from standing committee(s) is/are presented:

By Representative(s) **CULPEPPER** for the Committee on **RULES, CALENDAR AND OPERATIONS OF THE HOUSE.**

- Committee Substitute for
H.B. 568 A BILL TO BE ENTITLED AN ACT RELATING TO THE TOWN OF
WALLACE.
- With a favorable report.
- With a favorable report and recommendation that the bill be re-referred to the Committee on
Appropriations Finance .
- With a favorable report, as amended.
- With a favorable report, as amended, and recommendation that the bill be re-referred to the
Committee on Appropriations Finance .
- With a favorable report as to committee substitute bill (#), which changes the title,
unfavorable as to (original bill) (Committee Substitute Bill #), (and recommendation
that the committee substitute bill #) be re-referred to the Committee on .)
- With a favorable report as to House committee substitute bill (#), which changes
the title, unfavorable as to Senate committee substitute bill.
- With an unfavorable report.
- With recommendation that the House concur.
- With recommendation that the House do not concur.
- With recommendation that the House do not concur; request conferees.
- With recommendation that the House concur; committee believes bill to be material.
- With an unfavorable report, with a Minority Report attached.
- Without prejudice.
- With an indefinite postponement report.
- With an indefinite postponement report, with a Minority Report attached.
- With recommendation that it be adopted. (HOUSE RESOLUTION ONLY)

2/24/99

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1999

H

1

HOUSE BILL 573

Short Title: Orange Local Act-1.

(Local)

Sponsors: Representatives Insko; and Hackney (Primary Sponsors).

Referred to: Rules, Calendar and Operations of the House.

March 24, 1999

- 1 A BILL TO BE ENTITLED
2 AN ACT RELATING TO THE GOVERNANCE OF ORANGE COUNTY.
3 The General Assembly of North Carolina enacts:
4 Section 1. This act applies to Orange County only.
5 Section 2. This act is effective when it becomes law.

**1999 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES**

The following report(s) from standing committee(s) is/are presented:

By Representative(s) **CULPEPPER** for the Committee on **RULES, CALENDAR AND OPERATIONS OF THE HOUSE**.

- Committee Substitute for
H.B. 573 A BILL TO BE ENTITLED AN ACT RELATING TO THE GOVERNANCE OF
ORANGE COUNTY.
- With a favorable report.
- With a favorable report and recommendation that the bill be re-referred to the Committee on
Appropriations Finance .
- With a favorable report, as amended.
- With a favorable report, as amended, and recommendation that the bill be re-referred to the
Committee on Appropriations Finance .
- With a favorable report as to committee substitute bill (#), which changes the title,
unfavorable as to (original bill) (Committee Substitute Bill #), (and recommendation
that the committee substitute bill #) be re-referred to the Committee on .)
- With a favorable report as to House committee substitute bill (#), which changes
the title, unfavorable as to Senate committee substitute bill.
- With an unfavorable report.
- With recommendation that the House concur.
- With recommendation that the House do not concur.
- With recommendation that the House do not concur; request conferees.
- With recommendation that the House concur; committee believes bill to be material.
- With an unfavorable report, with a Minority Report attached.
- Without prejudice.
- With an indefinite postponement report.
- With an indefinite postponement report, with a Minority Report attached.
- With recommendation that it be adopted. (HOUSE RESOLUTION ONLY)

2/24/99

**1999 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES**

The following report(s) from standing committee(s) is/are presented:

By Representative(s) **CULPEPPER** for the Committee on **RULES, CALENDAR AND OPERATIONS OF THE HOUSE.**

Committee Substitute for
H.B. 576 A BILL TO BE ENTITLED AN ACT RELATING TO THE GOVERNANCE OF
THE CITY OF FAYETTEVILLE.

- With a favorable report.
- With a favorable report and recommendation that the bill be re-referred to the Committee on Appropriations Finance .
- With a favorable report, as amended.
- With a favorable report, as amended, and recommendation that the bill be re-referred to the Committee on Appropriations Finance .
- With a favorable report as to committee substitute bill (#), which changes the title, unfavorable as to (original bill) (Committee Substitute Bill #), (and recommendation that the committee substitute bill #) be re-referred to the Committee on .)
- With a favorable report as to House committee substitute bill (#), which changes the title, unfavorable as to Senate committee substitute bill.
- With an unfavorable report.
- With recommendation that the House concur.
- With recommendation that the House do not concur.
- With recommendation that the House do not concur; request conferees.
- With recommendation that the House concur; committee believes bill to be material.
- With an unfavorable report, with a Minority Report attached.
- Without prejudice.
- With an indefinite postponement report.
- With an indefinite postponement report, with a Minority Report attached.
- With recommendation that it be adopted. (HOUSE RESOLUTION ONLY)

2/24/99

**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 1999**

H

1

HOUSE BILL 577

Short Title: Cumberland County Local Act.

(Local)

Sponsors: Representative Hurley.

Referred to: Rules, Calendar and Operations of the House.

March 24, 1999

1 A BILL TO BE ENTITLED
2 AN ACT RELATING TO THE GOVERNANCE OF CUMBERLAND COUNTY.
3 The General Assembly of North Carolina enacts:
4 Section 1. This act applies to Cumberland County only.
5 Section 2. This act is effective when it becomes law.

**1999 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES**

The following report(s) from standing committee(s) is/are presented:

By Representative(s) **CULPEPPER** for the Committee on **RULES, CALENDAR AND OPERATIONS OF THE HOUSE.**

Committee Substitute for
H.B. 577 A BILL TO BE ENTITLED AN ACT RELATING TO THE GOVERNANCE OF CUMBERLAND COUNTY.

- With a favorable report.
- With a favorable report and recommendation that the bill be re-referred to the Committee on Appropriations Finance .
- With a favorable report, as amended.
- With a favorable report, as amended, and recommendation that the bill be re-referred to the Committee on Appropriations Finance .
- With a favorable report as to committee substitute bill (#), which changes the title, unfavorable as to (original bill) (Committee Substitute Bill #), (and recommendation that the committee substitute bill #) be re-referred to the Committee on .
- With a favorable report as to House committee substitute bill (#), which changes the title, unfavorable as to Senate committee substitute bill.
- With an unfavorable report.
- With recommendation that the House concur.
- With recommendation that the House do not concur.
- With recommendation that the House do not concur; request conferees.
- With recommendation that the House concur; committee believes bill to be material.
- With an unfavorable report, with a Minority Report attached.
- Without prejudice.
- With an indefinite postponement report.
- With an indefinite postponement report, with a Minority Report attached.
- With recommendation that it be adopted. (HOUSE RESOLUTION ONLY)

**1999 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES**

The following report(s) from standing committee(s) is/are presented:

By Representative(s) **CULPEPPER** for the Committee on **RULES, CALENDAR AND OPERATIONS OF THE HOUSE.**

Committee Substitute for

H.B. 578 A BILL TO BE ENTITLED AN ACT RELATING TO THE GOVERNANCE OF THE CITY OF FAYETTEVILLE.

With a favorable report.

With a favorable report and recommendation that the bill be re-referred to the Committee on Appropriations Finance .

With a favorable report, as amended.

With a favorable report, as amended, and recommendation that the bill be re-referred to the Committee on Appropriations Finance .

With a favorable report as to committee substitute bill (#), which changes the title, unfavorable as to (original bill) (Committee Substitute Bill #), (and recommendation that the committee substitute bill #) be re-referred to the Committee on .)

With a favorable report as to House committee substitute bill (#), which changes the title, unfavorable as to Senate committee substitute bill.

With an unfavorable report.

With recommendation that the House concur.

With recommendation that the House do not concur.

With recommendation that the House do not concur; request conferees.

With recommendation that the House concur; committee believes bill to be material.

With an unfavorable report, with a Minority Report attached.

Without prejudice.

With an indefinite postponement report.

With an indefinite postponement report, with a Minority Report attached.

With recommendation that it be adopted. (HOUSE RESOLUTION ONLY)

2/24/99

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 1999

H

1

HOUSE BILL 579

Short Title: Cumberland County Local Act-2.

(Local)

Sponsors: Representative Hurley.

Referred to: Rules, Calendar and Operations of the House.

March 24, 1999

- 1 A BILL TO BE ENTITLED
2 AN ACT RELATING TO THE GOVERNANCE OF CUMBERLAND COUNTY.
3 The General Assembly of North Carolina enacts:
4 Section 1. This act applies to Cumberland County only.
5 Section 2. This act is effective when it becomes law.

**1999 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES**

The following report(s) from standing committee(s) is/are presented:

By Representative(s) **CULPEPPER** for the Committee on **RULES, CALENDAR AND OPERATIONS OF THE HOUSE**.

Committee Substitute for

H.B. 579 A BILL TO BE ENTITLED AN ACT RELATING TO THE GOVERNANCE OF CUMBERLAND COUNTY.

- With a favorable report.
- With a favorable report and recommendation that the bill be re-referred to the Committee on Appropriations Finance .
- With a favorable report, as amended.
- With a favorable report, as amended, and recommendation that the bill be re-referred to the Committee on Appropriations Finance .
- With a favorable report as to committee substitute bill (#), which changes the title, unfavorable as to (original bill) (Committee Substitute Bill #), (and recommendation that the committee substitute bill #) be re-referred to the Committee on .)
- With a favorable report as to House committee substitute bill (#), which changes the title, unfavorable as to Senate committee substitute bill.
- With an unfavorable report.
- With recommendation that the House concur.
- With recommendation that the House do not concur.
- With recommendation that the House do not concur; request conferees.
- With recommendation that the House concur; committee believes bill to be material.
- With an unfavorable report, with a Minority Report attached.
- Without prejudice.
- With an indefinite postponement report.
- With an indefinite postponement report, with a Minority Report attached.
- With recommendation that it be adopted. (HOUSE RESOLUTION ONLY)

2/24/99

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1999

H

1

HOUSE BILL 580

Short Title: 93rd House Dist. Local Act-2.

(Local)

Sponsors: Representative Rayfield.

Referred to: Rules, Calendar and Operations of the House.

March 24, 1999

- 1 A BILL TO BE ENTITLED
2 AN ACT RELATING TO THE 93RD HOUSE DISTRICT.
3 The General Assembly of North Carolina enacts:
4 Section 1. This act relates to the 93rd House District.
5 Section 2. This act is effective when it becomes law.

**1999 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES**

The following report(s) from standing committee(s) is/are presented:

By Representative(s) **CULPEPPER** for the Committee on **RULES, CALENDAR AND OPERATIONS OF THE HOUSE.**

Committee Substitute for

H.B. 580 A BILL TO BE ENTITLED AN ACT RELATING TO THE 93RD HOUSE DISTRICT.

- With a favorable report.
- With a favorable report and recommendation that the bill be re-referred to the Committee on Appropriations Finance .
- With a favorable report, as amended.
- With a favorable report, as amended, and recommendation that the bill be re-referred to the Committee on Appropriations Finance .
- With a favorable report as to committee substitute bill (#), which changes the title, unfavorable as to (original bill) (Committee Substitute Bill #), (and recommendation that the committee substitute bill #) be re-referred to the Committee on .)
- With a favorable report as to House committee substitute bill (#), which changes the title, unfavorable as to Senate committee substitute bill.
- With an unfavorable report.
- With recommendation that the House concur.
- With recommendation that the House do not concur.
- With recommendation that the House do not concur; request conferees.
- With recommendation that the House concur; committee believes bill to be material.
- With an unfavorable report, with a Minority Report attached.
- Without prejudice.
- With an indefinite postponement report.
- With an indefinite postponement report, with a Minority Report attached.
- With recommendation that it be adopted. (HOUSE RESOLUTION ONLY)

2/24/99

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1999

H

1

HOUSE BILL 581

Short Title: 93rd House Dist. Local Act-1.

(Local)

Sponsors: Representative Rayfield.

Referred to: Rules, Calendar and Operations of the House.

March 24, 1999

- 1 A BILL TO BE ENTITLED
2 AN ACT RELATING TO THE 93RD HOUSE DISTRICT.
3 The General Assembly of North Carolina enacts:
4 Section 1. This act relates to the 93rd House District.
5 Section 2. This act is effective when it becomes law.

**1999 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES**

The following report(s) from standing committee(s) is/are presented:

By Representative(s) **CULPEPPER** for the Committee on **RULES, CALENDAR AND
OPERATIONS OF THE HOUSE.**

- Committee Substitute for
H.B. 581 A BILL TO BE ENTITLED AN ACT RELATING TO THE 93RD HOUSE
DISTRICT.
- With a favorable report.
- With a favorable report and recommendation that the bill be re-referred to the Committee on
Appropriations Finance .
- With a favorable report, as amended.
- With a favorable report, as amended, and recommendation that the bill be re-referred to the
Committee on Appropriations Finance .
- With a favorable report as to committee substitute bill (#), which changes the title,
unfavorable as to (original bill) (Committee Substitute Bill #), (and recommendation
that the committee substitute bill #) be re-referred to the Committee on .)
- With a favorable report as to House committee substitute bill (#), which changes
the title, unfavorable as to Senate committee substitute bill.
- With an unfavorable report.
- With recommendation that the House concur.
- With recommendation that the House do not concur.
- With recommendation that the House do not concur; request conferees.
- With recommendation that the House concur; committee believes bill to be material.
- With an unfavorable report, with a Minority Report attached.
- Without prejudice.
- With an indefinite postponement report.
- With an indefinite postponement report, with a Minority Report attached.
- With recommendation that it be adopted. (HOUSE RESOLUTION ONLY)

2/24/99

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 1999

H

1

HOUSE BILL 582

Short Title: 93rd House Dist. Local Act-3.

(Local)

Sponsors: Representative Rayfield.

Referred to: Rules, Calendar and Operations of the House.

March 24, 1999

- 1 A BILL TO BE ENTITLED
- 2 AN ACT RELATING TO THE 93RD HOUSE DISTRICT.
- 3 The General Assembly of North Carolina enacts:
- 4 Section 1. This act relates to the 93rd House District.
- 5 Section 2. This act is effective when it becomes law.

**1999 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES**

The following report(s) from standing committee(s) is/are presented:

By Representative(s) **CULPEPPER** for the Committee on **RULES, CALENDAR AND OPERATIONS OF THE HOUSE.**

Committee Substitute for

H.B. 582 A BILL TO BE ENTITLED AN ACT RELATING TO THE 93RD HOUSE DISTRICT.

With a favorable report.

With a favorable report and recommendation that the bill be re-referred to the Committee on Appropriations Finance .

With a favorable report, as amended.

With a favorable report, as amended, and recommendation that the bill be re-referred to the Committee on Appropriations Finance .

With a favorable report as to committee substitute bill (#), which changes the title, unfavorable as to (original bill) (Committee Substitute Bill #), (and recommendation that the committee substitute bill #) be re-referred to the Committee on .)

With a favorable report as to House committee substitute bill (#), which changes the title, unfavorable as to Senate committee substitute bill.

With an unfavorable report.

With recommendation that the House concur.

With recommendation that the House do not concur.

With recommendation that the House do not concur; request conferees.

With recommendation that the House concur; committee believes bill to be material.

With an unfavorable report, with a Minority Report attached.

Without prejudice.

With an indefinite postponement report.

With an indefinite postponement report, with a Minority Report attached.

With recommendation that it be adopted. (HOUSE RESOLUTION ONLY)

2/24/99

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1999

H

1

HOUSE BILL 588

Short Title: Kings Mountain Local Act-2.

(Local)

Sponsors: Representative Dedmon.

Referred to: Rules, Calendar and Operations of the House.

March 25, 1999

- 1 A BILL TO BE ENTITLED
2 AN ACT RELATING TO THE CITY OF KINGS MOUNTAIN.
3 The General Assembly of North Carolina enacts:
4 Section 1. This act relates to the City of Kings Mountain.
5 Section 2. This act is effective when it becomes law.

**1999 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES**

The following report(s) from standing committee(s) is/are presented:

By Representative(s) **CULPEPPER** for the Committee on **RULES, CALENDAR AND OPERATIONS OF THE HOUSE.**

Committee Substitute for

H.B. 588 A BILL TO BE ENTITLED AN ACT RELATING TO THE CITY OF KINGS MOUNTAIN.

With a favorable report.

With a favorable report and recommendation that the bill be re-referred to the Committee on Appropriations Finance .

With a favorable report, as amended.

With a favorable report, as amended, and recommendation that the bill be re-referred to the Committee on Appropriations Finance .

With a favorable report as to committee substitute bill (#), which changes the title, unfavorable as to (original bill) (Committee Substitute Bill #), (and recommendation that the committee substitute bill #) be re-referred to the Committee on .)

With a favorable report as to House committee substitute bill (#), which changes the title, unfavorable as to Senate committee substitute bill.

With an unfavorable report.

With recommendation that the House concur.

With recommendation that the House do not concur.

With recommendation that the House do not concur; request conferees.

With recommendation that the House concur; committee believes bill to be material.

With an unfavorable report, with a Minority Report attached.

Without prejudice.

With an indefinite postponement report.

With an indefinite postponement report, with a Minority Report attached.

With recommendation that it be adopted. (HOUSE RESOLUTION ONLY)

2/24/99

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1999

H

1

HOUSE BILL 589

Short Title: Kings Mountain Local Act-1.

(Local)

Sponsors: Representative Dedmon.

Referred to: Rules, Calendar and Operations of the House.

March 25, 1999

- 1 A BILL TO BE ENTITLED
2 AN ACT RELATING TO THE CITY OF KINGS MOUNTAIN.
3 The General Assembly of North Carolina enacts:
4 Section 1. This act relates to the City of Kings Mountain.
5 Section 2. This act is effective when it becomes law.

**1999 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES**

The following report(s) from standing committee(s) is/are presented:

By Representative(s) **CULPEPPER** for the Committee on **RULES, CALENDAR AND OPERATIONS OF THE HOUSE.**

- Committee Substitute for
H.B. 589 A BILL TO BE ENTITLED AN ACT RELATING TO THE CITY OF KINGS MOUNTAIN.
- With a favorable report.
- With a favorable report and recommendation that the bill be re-referred to the Committee on Appropriations Finance .
- With a favorable report, as amended.
- With a favorable report, as amended, and recommendation that the bill be re-referred to the Committee on Appropriations Finance .
- With a favorable report as to committee substitute bill (#), which changes the title, unfavorable as to (original bill) (Committee Substitute Bill #), (and recommendation that the committee substitute bill #) be re-referred to the Committee on .)
- With a favorable report as to House committee substitute bill (#), which changes the title, unfavorable as to Senate committee substitute bill.
- With an unfavorable report.
- With recommendation that the House concur.
- With recommendation that the House do not concur.
- With recommendation that the House do not concur; request conferees.
- With recommendation that the House concur; committee believes bill to be material.
- With an unfavorable report, with a Minority Report attached.
- Without prejudice.
- With an indefinite postponement report.
- With an indefinite postponement report, with a Minority Report attached.
- With recommendation that it be adopted. (HOUSE RESOLUTION ONLY)

2/24/99

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1999

H

1

HOUSE BILL 590

Short Title: City of Jacksonville.

(Local)

Sponsors: Representative Grady.

Referred to: Rules, Calendar and Operations of the House.

March 25, 1999

- 1 A BILL TO BE ENTITLED
2 AN ACT RELATING TO THE CITY OF JACKSONVILLE.
3 The General Assembly of North Carolina enacts:
4 Section 1. This act relates to the City of Jacksonville.
5 Section 2. This act is effective when it becomes law.

**1999 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES**

The following report(s) from standing committee(s) is/are presented:

By Representative(s) **CULPEPPER** for the Committee on **RULES, CALENDAR AND OPERATIONS OF THE HOUSE.**

Committee Substitute for

H.B. 590 A BILL TO BE ENTITLED AN ACT RELATING TO THE CITY OF JACKSONVILLE.

With a favorable report.

With a favorable report and recommendation that the bill be re-referred to the Committee on Appropriations Finance .

With a favorable report, as amended.

With a favorable report, as amended, and recommendation that the bill be re-referred to the Committee on Appropriations Finance .

With a favorable report as to committee substitute bill (#), which changes the title, unfavorable as to (original bill) (Committee Substitute Bill #), (and recommendation that the committee substitute bill #) be re-referred to the Committee on .)

With a favorable report as to House committee substitute bill (#), which changes the title, unfavorable as to Senate committee substitute bill.

With an unfavorable report.

With recommendation that the House concur.

With recommendation that the House do not concur.

With recommendation that the House do not concur; request conferees.

With recommendation that the House concur; committee believes bill to be material.

With an unfavorable report, with a Minority Report attached.

Without prejudice.

With an indefinite postponement report.

With an indefinite postponement report, with a Minority Report attached.

With recommendation that it be adopted. (HOUSE RESOLUTION ONLY)

2/24/99

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1999

H

1

HOUSE BILL 606

Short Title: Craven County Local Act-1.

(Local)

Sponsors: Representative Thomas.

Referred to: Rules, Calendar and Operations of the House.

March 25, 1999

- 1 A BILL TO BE ENTITLED
2 AN ACT RELATING TO THE GOVERNANCE OF CRAVEN COUNTY.
3 The General Assembly of North Carolina enacts:
4 Section 1. This act applies to Craven County only.
5 Section 2. This act is effective when it becomes law.

**1999 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES**

The following report(s) from standing committee(s) is/are presented:

By Representative(s) **CULPEPPER** for the Committee on **RULES, CALENDAR AND OPERATIONS OF THE HOUSE.**

- Committee Substitute for
H.B. 606 A BILL TO BE ENTITLED AN ACT RELATING TO THE GOVERNANCE OF
CRAVEN COUNTY.
- With a favorable report.
- With a favorable report and recommendation that the bill be re-referred to the Committee on
Appropriations Finance .
- With a favorable report, as amended.
- With a favorable report, as amended, and recommendation that the bill be re-referred to the
Committee on Appropriations Finance .
- With a favorable report as to committee substitute bill (#), which changes the title,
unfavorable as to (original bill) (Committee Substitute Bill #), (and recommendation
that the committee substitute bill #) be re-referred to the Committee on .)
- With a favorable report as to House committee substitute bill (#), which changes
the title, unfavorable as to Senate committee substitute bill.
- With an unfavorable report.
- With recommendation that the House concur.
- With recommendation that the House do not concur.
- With recommendation that the House do not concur; request conferees.
- With recommendation that the House concur; committee believes bill to be material.
- With an unfavorable report, with a Minority Report attached.
- Without prejudice.
- With an indefinite postponement report.
- With an indefinite postponement report, with a Minority Report attached.
- With recommendation that it be adopted. (HOUSE RESOLUTION ONLY)

2/24/99

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1999

H

1

HOUSE BILL 607

Short Title: Pamlico County Local Act-1.

(Local)

Sponsors: Representative Thomas.

Referred to: Rules, Calendar and Operations of the House.

March 25, 1999

- 1 A BILL TO BE ENTITLED
2 AN ACT RELATING TO THE GOVERNANCE OF PAMLICO COUNTY.
3 The General Assembly of North Carolina enacts:
4 Section 1. This act applies to Pamlico County only.
5 Section 2. This act is effective when it becomes law.

**1999 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES**

The following report(s) from standing committee(s) is/are presented:

By Representative(s) **CULPEPPER** for the Committee on **RULES, CALENDAR AND
OPERATIONS OF THE HOUSE.**

Committee Substitute for
H.B. 607 A BILL TO BE ENTITLED AN ACT RELATING TO THE GOVERNANCE OF
PAMLICO COUNTY.

- With a favorable report.
- With a favorable report and recommendation that the bill be re-referred to the Committee on Appropriations Finance .
- With a favorable report, as amended.
- With a favorable report, as amended, and recommendation that the bill be re-referred to the Committee on Appropriations Finance .
- With a favorable report as to committee substitute bill (#), which changes the title, unfavorable as to (original bill) (Committee Substitute Bill #), (and recommendation that the committee substitute bill #) be re-referred to the Committee on .)
- With a favorable report as to House committee substitute bill (#), which changes the title, unfavorable as to Senate committee substitute bill.
- With an unfavorable report.
- With recommendation that the House concur.
- With recommendation that the House do not concur.
- With recommendation that the House do not concur; request conferees.
- With recommendation that the House concur; committee believes bill to be material.
- With an unfavorable report, with a Minority Report attached.
- Without prejudice.
- With an indefinite postponement report.
- With an indefinite postponement report, with a Minority Report attached.
- With recommendation that it be adopted. (HOUSE RESOLUTION ONLY)

2/24/99

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1999

H

1

HOUSE BILL 608

Short Title: Pamlico County Local Act-2.

(Local)

Sponsors: Representative Thomas.

Referred to: Rules, Calendar and Operations of the House.

March 25, 1999

- 1 A BILL TO BE ENTITLED
2 AN ACT RELATING TO THE GOVERNANCE OF PAMLICO COUNTY.
3 The General Assembly of North Carolina enacts:
4 Section 1. This act applies to Pamlico County only.
5 Section 2. This act is effective when it becomes law.

**1999 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES**

The following report(s) from standing committee(s) is/are presented:

By Representative(s) **CULPEPPER** for the Committee on **RULES, CALENDAR AND OPERATIONS OF THE HOUSE.**

- Committee Substitute for
H.B. 608 A BILL TO BE ENTITLED AN ACT RELATING TO THE GOVERNANCE OF
PAMLICO COUNTY.
- With a favorable report.
- With a favorable report and recommendation that the bill be re-referred to the Committee on
Appropriations Finance .
- With a favorable report, as amended.
- With a favorable report, as amended, and recommendation that the bill be re-referred to the
Committee on Appropriations Finance .
- With a favorable report as to committee substitute bill (#), which changes the title,
unfavorable as to (original bill) (Committee Substitute Bill #), (and recommendation
that the committee substitute bill #) be re-referred to the Committee on).
- With a favorable report as to House committee substitute bill (#), which changes
the title, unfavorable as to Senate committee substitute bill.
- With an unfavorable report.
- With recommendation that the House concur.
- With recommendation that the House do not concur.
- With recommendation that the House do not concur; request conferees.
- With recommendation that the House concur; committee believes bill to be material.
- With an unfavorable report, with a Minority Report attached.
- Without prejudice.
- With an indefinite postponement report.
- With an indefinite postponement report, with a Minority Report attached.
- With recommendation that it be adopted. (HOUSE RESOLUTION ONLY)

2/24/99

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1999

H

1

HOUSE BILL 609

Short Title: Bertie Co. Local Act.

(Local)

Sponsors: Representative Hunter.

Referred to: Rules, Calendar and Operations of the House.

March 25, 1999

- 1 A BILL TO BE ENTITLED
2 AN ACT RELATING TO THE GOVERNANCE OF BERTIE COUNTY.
3 The General Assembly of North Carolina enacts:
4 Section 1. This act applies to Bertie County only.
5 Section 2. This act is effective when it becomes law.

**1999 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES**

The following report(s) from standing committee(s) is/are presented:

By Representative(s) **CULPEPPER** for the Committee on **RULES, CALENDAR AND OPERATIONS OF THE HOUSE.**

Committee Substitute for

H.B. 609 A BILL TO BE ENTITLED AN ACT RELATING TO THE GOVERNANCE OF BERTIE COUNTY.

With a favorable report.

With a favorable report and recommendation that the bill be re-referred to the Committee on Appropriations Finance .

With a favorable report, as amended.

With a favorable report, as amended, and recommendation that the bill be re-referred to the Committee on Appropriations Finance .

With a favorable report as to committee substitute bill (#), which changes the title, unfavorable as to (original bill) (Committee Substitute Bill #), (and recommendation that the committee substitute bill #) be re-referred to the Committee on .)

With a favorable report as to House committee substitute bill (#), which changes the title, unfavorable as to Senate committee substitute bill.

With an unfavorable report.

With recommendation that the House concur.

With recommendation that the House do not concur.

With recommendation that the House do not concur; request conferees.

With recommendation that the House concur; committee believes bill to be material.

With an unfavorable report, with a Minority Report attached.

Without prejudice.

With an indefinite postponement report.

With an indefinite postponement report, with a Minority Report attached.

With recommendation that it be adopted. (HOUSE RESOLUTION ONLY)

2/24/99

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1999

H

1

HOUSE BILL 610

Short Title: Northampton Co. Local Act.

(Local)

Sponsors: Representative Hunter.

Referred to: Rules, Calendar and Operations of the House.

March 25, 1999

- 1 A BILL TO BE ENTITLED
2 AN ACT RELATING TO THE GOVERNANCE OF NORTHAMPTON COUNTY.
3 The General Assembly of North Carolina enacts:
4 Section 1. This act applies to Northampton County only.
5 Section 2. This act is effective when it becomes law.

**1999 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES**

The following report(s) from standing committee(s) is/are presented:

By Representative(s) **CULPEPPER** for the Committee on **RULES, CALENDAR AND OPERATIONS OF THE HOUSE.**

- Committee Substitute for
H.B. 610 A BILL TO BE ENTITLED AN ACT RELATING TO THE GOVERNANCE OF
NORTHAMPTON COUNTY.
- With a favorable report.
- With a favorable report and recommendation that the bill be re-referred to the Committee on
Appropriations Finance .
- With a favorable report, as amended.
- With a favorable report, as amended, and recommendation that the bill be re-referred to the
Committee on Appropriations Finance .
- With a favorable report as to committee substitute bill (#), which changes the title,
unfavorable as to (original bill) (Committee Substitute Bill #), (and recommendation
that the committee substitute bill #) be re-referred to the Committee on .)
- With a favorable report as to House committee substitute bill (#), which changes
the title, unfavorable as to Senate committee substitute bill.
- With an unfavorable report.
- With recommendation that the House concur.
- With recommendation that the House do not concur.
- With recommendation that the House do not concur; request conferees.
- With recommendation that the House concur; committee believes bill to be material.
- With an unfavorable report, with a Minority Report attached.
- Without prejudice.
- With an indefinite postponement report.
- With an indefinite postponement report, with a Minority Report attached.
- With recommendation that it be adopted. (HOUSE RESOLUTION ONLY)

2/24/99

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1999

H

1

HOUSE BILL 611

Short Title: Gates Co. Local Act.

(Local)

Sponsors: Representative Hunter.

Referred to: Rules, Calendar and Operations of the House.

March 25, 1999

- 1 A BILL TO BE ENTITLED
2 AN ACT RELATING TO THE GOVERNANCE OF GATES COUNTY.
3 The General Assembly of North Carolina enacts:
4 Section 1. This act applies to Gates County only.
5 Section 2. This act is effective when it becomes law.

**1999 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES**

The following report(s) from standing committee(s) is/are presented:

By Representative(s) **CULPEPPER** for the Committee on **RULES, CALENDAR AND OPERATIONS OF THE HOUSE.**

Committee Substitute for

H.B. 611 A BILL TO BE ENTITLED AN ACT RELATING TO THE GOVERNANCE OF GATES COUNTY.

- With a favorable report.
- With a favorable report and recommendation that the bill be re-referred to the Committee on Appropriations Finance .
- With a favorable report, as amended.
- With a favorable report, as amended, and recommendation that the bill be re-referred to the Committee on Appropriations Finance .
- With a favorable report as to committee substitute bill (#), which changes the title, unfavorable as to (original bill) (Committee Substitute Bill #), (and recommendation that the committee substitute bill #) be re-referred to the Committee on .)
- With a favorable report as to House committee substitute bill (#), which changes the title, unfavorable as to Senate committee substitute bill.
- With an unfavorable report.
- With recommendation that the House concur.
- With recommendation that the House do not concur.
- With recommendation that the House do not concur; request conferees.
- With recommendation that the House concur; committee believes bill to be material.
- With an unfavorable report, with a Minority Report attached.
- Without prejudice.
- With an indefinite postponement report.
- With an indefinite postponement report, with a Minority Report attached.
- With recommendation that it be adopted. (HOUSE RESOLUTION ONLY)

2/24/99

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1999

H

1

HOUSE BILL 612

Short Title: Hertford Co. Local Act.

(Local)

Sponsors: Representative Hunter.

Referred to: Rules, Calendar and Operations of the House.

March 25, 1999

- 1 A BILL TO BE ENTITLED
2 AN ACT RELATING TO THE GOVERNANCE OF HERTFORD COUNTY.
3 The General Assembly of North Carolina enacts:
4 Section 1. This act applies to Hertford County only.
5 Section 2. This act is effective when it becomes law.

**1999 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES**

The following report(s) from standing committee(s) is/are presented:

By Representative(s) **CULPEPPER** for the Committee on **RULES, CALENDAR AND OPERATIONS OF THE HOUSE.**

- Committee Substitute for
H.B. 612 A BILL TO BE ENTITLED AN ACT RELATING TO THE GOVERNANCE OF
HERTFORD COUNTY.
- With a favorable report.
- With a favorable report and recommendation that the bill be re-referred to the Committee on
Appropriations Finance .
- With a favorable report, as amended.
- With a favorable report, as amended, and recommendation that the bill be re-referred to the
Committee on Appropriations Finance .
- With a favorable report as to committee substitute bill (#), which changes the title,
unfavorable as to (original bill) (Committee Substitute Bill #), (and recommendation
that the committee substitute bill #) be re-referred to the Committee on .)
- With a favorable report as to House committee substitute bill (#), which changes
the title, unfavorable as to Senate committee substitute bill.
- With an unfavorable report.
- With recommendation that the House concur.
- With recommendation that the House do not concur.
- With recommendation that the House do not concur; request conferees.
- With recommendation that the House concur; committee believes bill to be material.
- With an unfavorable report, with a Minority Report attached.
- Without prejudice.
- With an indefinite postponement report.
- With an indefinite postponement report, with a Minority Report attached.
- With recommendation that it be adopted. (HOUSE RESOLUTION ONLY)

2/24/99

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 1999

H

1

HOUSE BILL 617

Short Title: Maxton Local Act.

(Local)

Sponsors: Representative Bonner.

Referred to: Rules, Calendar and Operations of the House.

March 25, 1999

- 1 A BILL TO BE ENTITLED
2 AN ACT RELATING TO THE TOWN OF MAXTON.
3 The General Assembly of North Carolina enacts:
4 Section 1. This act relates to the Town of Maxton.
5 Section 2. This act is effective when it becomes law.

**1999 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES**

The following report(s) from standing committee(s) is/are presented:

By Representative(s) **CULPEPPER** for the Committee on **RULES, CALENDAR AND OPERATIONS OF THE HOUSE.**

Committee Substitute for

H.B. 617 A BILL TO BE ENTITLED AN ACT RELATING TO THE TOWN OF
MAXTON.

With a favorable report.

With a favorable report and recommendation that the bill be re-referred to the Committee on
Appropriations Finance .

With a favorable report, as amended.

With a favorable report, as amended, and recommendation that the bill be re-referred to the
Committee on Appropriations Finance .

With a favorable report as to committee substitute bill (#), which changes the title,
unfavorable as to (original bill) (Committee Substitute Bill #), (and recommendation
that the committee substitute bill #) be re-referred to the Committee on .)

With a favorable report as to House committee substitute bill (#), which changes
the title, unfavorable as to Senate committee substitute bill.

With an unfavorable report.

With recommendation that the House concur.

With recommendation that the House do not concur.

With recommendation that the House do not concur; request conferees.

With recommendation that the House concur; committee believes bill to be material.

With an unfavorable report, with a Minority Report attached.

Without prejudice.

With an indefinite postponement report.

With an indefinite postponement report, with a Minority Report attached.

With recommendation that it be adopted. (HOUSE RESOLUTION ONLY)

2/24/99

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1999

H

1

HOUSE BILL 618

Short Title: Rowland Local Act.

(Local)

Sponsors: Representative Bonner.

Referred to: Rules, Calendar and Operations of the House.

March 25, 1999

- 1 A BILL TO BE ENTITLED
2 AN ACT RELATING TO THE TOWN OF ROWLAND.
3 The General Assembly of North Carolina enacts:
4 Section 1. This act relates to the Town of Rowland.
5 Section 2. This act is effective when it becomes law.

**1999 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES**

The following report(s) from standing committee(s) is/are presented:

By Representative(s) **Culpepper** for the Committee on **Rules, Calendar and Operations of the House.**

Committee Substitute for

H.B. 618 A BILL TO BE ENTITLED AN ACT RELATING TO THE TOWN OF ROWLAND.

With a favorable report.

With a favorable report and recommendation that the bill be re-referred to the Committee on Appropriations Finance .

With a favorable report, as amended.

With a favorable report, as amended, and recommendation that the bill be re-referred to the Committee on Appropriations Finance .

With a favorable report as to committee substitute bill (#), which changes the title, unfavorable as to (original bill) (Committee Substitute Bill #), (and recommendation that the committee substitute bill #) be re-referred to the Committee on .)

With a favorable report as to House committee substitute bill (#), which changes the title, unfavorable as to Senate committee substitute bill.

With an unfavorable report.

With recommendation that the House concur.

With recommendation that the House do not concur.

With recommendation that the House do not concur; request conferees.

With recommendation that the House concur; committee believes bill to be material.

With an unfavorable report, with a Minority Report attached.

Without prejudice.

With an indefinite postponement report.

With an indefinite postponement report, with a Minority Report attached.

With recommendation that it be adopted. (HOUSE RESOLUTION ONLY)

2/24/99

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1999

H

1

HOUSE BILL 619

Short Title: Red Springs Local Act.

(Local)

Sponsors: Representative Bonner.

Referred to: Rules, Calendar and Operations of the House.

March 25, 1999

- 1 A BILL TO BE ENTITLED
2 AN ACT RELATING TO THE TOWN OF RED SPRINGS.
3 The General Assembly of North Carolina enacts:
4 Section 1. This act relates to the Town of Red Springs.
5 Section 2. This act is effective when it becomes law.

**1999 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES**

The following report(s) from standing committee(s) is/are presented:

By Representative(s) **CULPEPPER** for the Committee on **RULES, CALENDAR AND OPERATIONS OF THE HOUSE.**

- Committee Substitute for
H.B. 619 A BILL TO BE ENTITLED AN ACT RELATING TO THE TOWN OF RED SPRINGS.
- With a favorable report.
- With a favorable report and recommendation that the bill be re-referred to the Committee on Appropriations Finance .
- With a favorable report, as amended.
- With a favorable report, as amended, and recommendation that the bill be re-referred to the Committee on Appropriations Finance .
- With a favorable report as to committee substitute bill (#), which changes the title, unfavorable as to (original bill) (Committee Substitute Bill #), (and recommendation that the committee substitute bill #) be re-referred to the Committee on .)
- With a favorable report as to House committee substitute bill (#), which changes the title, unfavorable as to Senate committee substitute bill.
- With an unfavorable report.
- With recommendation that the House concur.
- With recommendation that the House do not concur.
- With recommendation that the House do not concur; request conferees.
- With recommendation that the House concur; committee believes bill to be material.
- With an unfavorable report, with a Minority Report attached.
- Without prejudice.
- With an indefinite postponement report.
- With an indefinite postponement report, with a Minority Report attached.
- With recommendation that it be adopted. (HOUSE RESOLUTION ONLY)

2/24/99

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1999

H

1

HOUSE BILL 626

Short Title: 38th House District Blank Bill-2.

(Local)

Sponsors: Representative Brubaker.

Referred to: Rules, Calendar and Operations of the House.

March 29, 1999

1 A BILL TO BE ENTITLED
2 AN ACT TO AMEND THE LAWS PERTAINING TO THE 38TH HOUSE
3 DISTRICT.
4 The General Assembly of North Carolina enacts:
5 Section 1. This act amends the laws pertaining to the 38th House
6 District.
7 Section 2. This act is effective when it becomes law.

**1999 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES**

The following report(s) from standing committee(s) is/are presented:

By Representative(s) **CULPEPPER** for the Committee on **RULES, CALENDAR AND OPERATIONS OF THE HOUSE.**

- Committee Substitute for
H.B. 626 A BILL TO BE ENTITLED AN ACT TO AMEND THE LAWS PERTAINING TO THE 38TH HOUSE DISTRICT.
- With a favorable report.
- With a favorable report and recommendation that the bill be re-referred to the Committee on Appropriations Finance .
- With a favorable report, as amended.
- With a favorable report, as amended, and recommendation that the bill be re-referred to the Committee on Appropriations Finance .
- With a favorable report as to committee substitute bill (#), which changes the title, unfavorable as to (original bill) (Committee Substitute Bill #), (and recommendation that the committee substitute bill #) be re-referred to the Committee on .)
- With a favorable report as to House committee substitute bill (#), which changes the title, unfavorable as to Senate committee substitute bill.
- With an unfavorable report.
- With recommendation that the House concur.
- With recommendation that the House do not concur.
- With recommendation that the House do not concur; request conferees.
- With recommendation that the House concur; committee believes bill to be material.
- With an unfavorable report, with a Minority Report attached.
- Without prejudice.
- With an indefinite postponement report.
- With an indefinite postponement report, with a Minority Report attached.
- With recommendation that it be adopted. (HOUSE RESOLUTION ONLY)

2/24/99

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 1999

H

1

HOUSE BILL 629

Short Title: Sampson Co. Local Act-1.

(Local)

Sponsors: Representative Davis.

Referred to: Rules, Calendar and Operations of the House.

March 29, 1999

- 1 A BILL TO BE ENTITLED
2 AN ACT RELATING TO THE GOVERNANCE OF SAMPSON COUNTY.
3 The General Assembly of North Carolina enacts:
4 Section 1. This act applies to Sampson County only.
5 Section 2. This act is effective when it becomes law.

**1999 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES**

The following report(s) from standing committee(s) is/are presented:

By Representative(s) **CULPEPPER** for the Committee on **RULES, CALENDAR AND OPERATIONS OF THE HOUSE.**

- Committee Substitute for
H.B. 629 A BILL TO BE ENTITLED AN ACT RELATING TO THE GOVERNANCE OF
SAMPSON COUNTY.
- With a favorable report.
- With a favorable report and recommendation that the bill be re-referred to the Committee on
Appropriations Finance .
- With a favorable report, as amended.
- With a favorable report, as amended, and recommendation that the bill be re-referred to the
Committee on Appropriations Finance .
- With a favorable report as to committee substitute bill (#), which changes the title,
unfavorable as to (original bill) (Committee Substitute Bill #), (and recommendation
that the committee substitute bill #) be re-referred to the Committee on .)
- With a favorable report as to House committee substitute bill (#), which changes
the title, unfavorable as to Senate committee substitute bill.
- With an unfavorable report.
- With recommendation that the House concur.
- With recommendation that the House do not concur.
- With recommendation that the House do not concur; request conferees.
- With recommendation that the House concur; committee believes bill to be material.
- With an unfavorable report, with a Minority Report attached.
- Without prejudice.
- With an indefinite postponement report.
- With an indefinite postponement report, with a Minority Report attached.
- With recommendation that it be adopted. (HOUSE RESOLUTION ONLY)

2/24/99

**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 1999**

H

1

HOUSE BILL 630

Short Title: Harnett Co. Local Act-2.

(Local)

Sponsors: Representative Davis.

Referred to: Rules, Calendar and Operations of the House.

March 29, 1999

- 1 A BILL TO BE ENTITLED
- 2 AN ACT RELATING TO THE GOVERNANCE OF HARNETT COUNTY.
- 3 The General Assembly of North Carolina enacts:
- 4 Section 1. This act applies to Harnett County only.
- 5 Section 2. This act is effective when it becomes law.

**1999 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES**

The following report(s) from standing committee(s) is/are presented:

By Representative(s) **CULPEPPER** for the Committee on **RULES, CALENDAR AND OPERATIONS OF THE HOUSE.**

- Committee Substitute for
H.B. 630 A BILL TO BE ENTITLED AN ACT RELATING TO THE GOVERNANCE OF
HARNETT COUNTY.
- With a favorable report.
- With a favorable report and recommendation that the bill be re-referred to the Committee on
Appropriations Finance .
- With a favorable report, as amended.
- With a favorable report, as amended, and recommendation that the bill be re-referred to the
Committee on Appropriations Finance .
- With a favorable report as to committee substitute bill (#), which changes the title,
unfavorable as to (original bill) (Committee Substitute Bill #), (and recommendation
that the committee substitute bill #) be re-referred to the Committee on .)
- With a favorable report as to House committee substitute bill (#), which changes
the title, unfavorable as to Senate committee substitute bill.
- With an unfavorable report.
- With recommendation that the House concur.
- With recommendation that the House do not concur.
- With recommendation that the House do not concur; request conferees.
- With recommendation that the House concur; committee believes bill to be material.
- With an unfavorable report, with a Minority Report attached.
- Without prejudice.
- With an indefinite postponement report.
- With an indefinite postponement report, with a Minority Report attached.
- With recommendation that it be adopted. (HOUSE RESOLUTION ONLY)

2/24/99

**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 1999**

H

1

HOUSE BILL 631

Short Title: Harnett Co. Local Act-3.

(Local)

Sponsors: Representative Davis.

Referred to: Rules, Calendar and Operations of the House.

March 29, 1999

- 1 A BILL TO BE ENTITLED
2 AN ACT RELATING TO THE GOVERNANCE OF HARNETT COUNTY.
3 The General Assembly of North Carolina enacts:
4 Section 1. This act applies to Harnett County only.
5 Section 2. This act is effective when it becomes law.

**1999 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES**

The following report(s) from standing committee(s) is/are presented:

By Representative(s) **CULPEPPER** for the Committee on **RULES, CALENDAR AND OPERATIONS OF THE HOUSE.**

- Committee Substitute for
H.B. 631 A BILL TO BE ENTITLED AN ACT RELATING TO THE GOVERNANCE OF
HARNETT COUNTY.
- With a favorable report.
- With a favorable report and recommendation that the bill be re-referred to the Committee on
Appropriations Finance .
- With a favorable report, as amended.
- With a favorable report, as amended, and recommendation that the bill be re-referred to the
Committee on Appropriations Finance .
- With a favorable report as to committee substitute bill (#), which changes the title,
unfavorable as to (original bill) (Committee Substitute Bill #), (and recommendation
that the committee substitute bill #) be re-referred to the Committee on .)
- With a favorable report as to House committee substitute bill (#), which changes
the title, unfavorable as to Senate committee substitute bill.
- With an unfavorable report.
- With recommendation that the House concur.
- With recommendation that the House do not concur.
- With recommendation that the House do not concur; request conferees.
- With recommendation that the House concur; committee believes bill to be material.
- With an unfavorable report, with a Minority Report attached.
- Without prejudice.
- With an indefinite postponement report.
- With an indefinite postponement report, with a Minority Report attached.
- With recommendation that it be adopted. (HOUSE RESOLUTION ONLY)

2/24/99

**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 1999**

H

1

HOUSE BILL 632

Short Title: Sampson Co. Local Act-2.

(Local)

Sponsors: Representative Davis.

Referred to: Rules, Calendar and Operations of the House.

March 29, 1999

- 1 A BILL TO BE ENTITLED
2 AN ACT RELATING TO THE GOVERNANCE OF SAMPSON COUNTY.
3 The General Assembly of North Carolina enacts:
4 Section 1. This act applies to Sampson County only.
5 Section 2. This act is effective when it becomes law.

**1999 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES**

The following report(s) from standing committee(s) is/are presented:

By Representative(s) **CULPEPPER** for the Committee on **RULES, CALENDAR AND OPERATIONS OF THE HOUSE.**

- Committee Substitute for
H.B. 632 A BILL TO BE ENTITLED AN ACT RELATING TO THE GOVERNANCE OF
SAMPSON COUNTY.
- With a favorable report.
- With a favorable report and recommendation that the bill be re-referred to the Committee on
Appropriations Finance .
- With a favorable report, as amended.
- With a favorable report, as amended, and recommendation that the bill be re-referred to the
Committee on Appropriations Finance .
- With a favorable report as to committee substitute bill (#), which changes the title,
unfavorable as to (original bill) (Committee Substitute Bill #), (and recommendation
that the committee substitute bill #) be re-referred to the Committee on .)
- With a favorable report as to House committee substitute bill (#), which changes
the title, unfavorable as to Senate committee substitute bill.
- With an unfavorable report.
- With recommendation that the House concur.
- With recommendation that the House do not concur.
- With recommendation that the House do not concur; request conferees.
- With recommendation that the House concur; committee believes bill to be material.
- With an unfavorable report, with a Minority Report attached.
- Without prejudice.
- With an indefinite postponement report.
- With an indefinite postponement report, with a Minority Report attached.
- With recommendation that it be adopted. (HOUSE RESOLUTION ONLY)

2/24/99

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 1999

H

1

HOUSE BILL 633

Short Title: Harnett Co. Local Act-1.

(Local)

Sponsors: Representative Davis.

Referred to: Rules, Calendar and Operations of the House.

March 29, 1999

- 1 A BILL TO BE ENTITLED
2 AN ACT RELATING TO THE GOVERNANCE OF HARNETT COUNTY.
3 The General Assembly of North Carolina enacts:
4 Section 1. This act applies to Harnett County only.
5 Section 2. This act is effective when it becomes law.

**1999 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES**

The following report(s) from standing committee(s) is/are presented:

By Representative(s) **CULPEPPER** for the Committee on **RULES, CALENDAR AND OPERATIONS OF THE HOUSE.**

Committee Substitute for

H.B. 633 A BILL TO BE ENTITLED AN ACT RELATING TO THE GOVERNANCE OF HARNETT COUNTY.

With a favorable report.

With a favorable report and recommendation that the bill be re-referred to the Committee on Appropriations Finance .

With a favorable report, as amended.

With a favorable report, as amended, and recommendation that the bill be re-referred to the Committee on Appropriations Finance .

With a favorable report as to committee substitute bill (#), which changes the title, unfavorable as to (original bill) (Committee Substitute Bill #), (and recommendation that the committee substitute bill #) be re-referred to the Committee on .)

With a favorable report as to House committee substitute bill (#), which changes the title, unfavorable as to Senate committee substitute bill.

With an unfavorable report.

With recommendation that the House concur.

With recommendation that the House do not concur.

With recommendation that the House do not concur; request conferees.

With recommendation that the House concur; committee believes bill to be material.

With an unfavorable report, with a Minority Report attached.

Without prejudice.

With an indefinite postponement report.

With an indefinite postponement report, with a Minority Report attached.

With recommendation that it be adopted. (HOUSE RESOLUTION ONLY)

2/24/99

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1999

H

1

HOUSE BILL 634

Short Title: Lee Co. Local Act-2.

(Local)

Sponsors: Representative Davis.

Referred to: Rules, Calendar and Operations of the House.

March 29, 1999

- 1 A BILL TO BE ENTITLED
2 AN ACT RELATING TO THE GOVERNANCE OF LEE COUNTY.
3 The General Assembly of North Carolina enacts:
4 Section 1. This act applies to Lee County only.
5 Section 2. This act is effective when it becomes law.

**1999 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES**

The following report(s) from standing committee(s) is/are presented:

By Representative(s) **CULPEPPER** for the Committee on **RULES, CALENDAR AND OPERATIONS OF THE HOUSE.**

- Committee Substitute for
H.B. 634 A BILL TO BE ENTITLED AN ACT RELATING TO THE GOVERNANCE OF
LEE COUNTY.
- With a favorable report.
- With a favorable report and recommendation that the bill be re-referred to the Committee on
Appropriations Finance .
- With a favorable report, as amended.
- With a favorable report, as amended, and recommendation that the bill be re-referred to the
Committee on Appropriations Finance .
- With a favorable report as to committee substitute bill (#), which changes the title,
unfavorable as to (original bill) (Committee Substitute Bill #), (and recommendation
that the committee substitute bill #) be re-referred to the Committee on .)
- With a favorable report as to House committee substitute bill (#), which changes
the title, unfavorable as to Senate committee substitute bill.
- With an unfavorable report.
- With recommendation that the House concur.
- With recommendation that the House do not concur.
- With recommendation that the House do not concur; request conferees.
- With recommendation that the House concur; committee believes bill to be material.
- With an unfavorable report, with a Minority Report attached.
- Without prejudice.
- With an indefinite postponement report.
- With an indefinite postponement report, with a Minority Report attached.
- With recommendation that it be adopted. (HOUSE RESOLUTION ONLY)

2/24/99

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1999

H

1

HOUSE BILL 635

Short Title: Lee Co. Local Act-1.

(Local)

Sponsors: Representative Davis.

Referred to: Rules, Calendar and Operations of the House.

March 29, 1999

- 1 A BILL TO BE ENTITLED
- 2 AN ACT RELATING TO THE GOVERNANCE OF LEE COUNTY.
- 3 The General Assembly of North Carolina enacts:
- 4 Section 1. This act applies to Lee County only.
- 5 Section 2. This act is effective when it becomes law.

**1999 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES**

The following report(s) from standing committee(s) is/are presented:

By Representative(s) **CULPEPPER** for the Committee on **RULES, CALENDAR AND OPERATIONS OF THE HOUSE.**

- Committee Substitute for
H.B. 635 A BILL TO BE ENTITLED AN ACT RELATING TO THE GOVERNANCE OF LEE COUNTY.
- With a favorable report.
- With a favorable report and recommendation that the bill be re-referred to the Committee on Appropriations Finance .
- With a favorable report, as amended.
- With a favorable report, as amended, and recommendation that the bill be re-referred to the Committee on Appropriations Finance .
- With a favorable report as to committee substitute bill (#), which changes the title, unfavorable as to (original bill) (Committee Substitute Bill #), (and recommendation that the committee substitute bill #) be re-referred to the Committee on .)
- With a favorable report as to House committee substitute bill (#), which changes the title, unfavorable as to Senate committee substitute bill.
- With an unfavorable report.
- With recommendation that the House concur.
- With recommendation that the House do not concur.
- With recommendation that the House do not concur; request conferees.
- With recommendation that the House concur; committee believes bill to be material.
- With an unfavorable report, with a Minority Report attached.
- Without prejudice.
- With an indefinite postponement report.
- With an indefinite postponement report, with a Minority Report attached.
- With recommendation that it be adopted. (HOUSE RESOLUTION ONLY)

2/24/99

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 1999

H

1

HOUSE BILL 640

Short Title: Carrboro Local Act-1.

(Local)

Sponsors: Representatives Insko; and Hackney (Primary Sponsors).

Referred to: Rules, Calendar and Operations of the House.

March 29, 1999

- 1 A BILL TO BE ENTITLED
2 AN ACT RELATING TO THE TOWN OF CARRBORO.
3 The General Assembly of North Carolina enacts:
4 Section 1. This act relates to the Town of Carrboro.
5 Section 2. This act is effective when it becomes law.

**1999 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES**

The following report(s) from standing committee(s) is/are presented:

By Representative(s) **CULPEPPER** for the Committee on **RULES, CALENDAR AND OPERATIONS OF THE HOUSE.**

Committee Substitute for

H.B. 640 A BILL TO BE ENTITLED AN ACT RELATING TO THE TOWN OF CARRBORO.

With a favorable report.

With a favorable report and recommendation that the bill be re-referred to the Committee on Appropriations Finance .

With a favorable report, as amended.

With a favorable report, as amended, and recommendation that the bill be re-referred to the Committee on Appropriations Finance .

With a favorable report as to committee substitute bill (#), which changes the title, unfavorable as to (original bill) (Committee Substitute Bill #), (and recommendation that the committee substitute bill #) be re-referred to the Committee on .)

With a favorable report as to House committee substitute bill (#), which changes the title, unfavorable as to Senate committee substitute bill.

With an unfavorable report.

With recommendation that the House concur.

With recommendation that the House do not concur.

With recommendation that the House do not concur; request conferees.

With recommendation that the House concur; committee believes bill to be material.

With an unfavorable report, with a Minority Report attached.

Without prejudice.

With an indefinite postponement report.

With an indefinite postponement report, with a Minority Report attached.

With recommendation that it be adopted. (HOUSE RESOLUTION ONLY)

2/24/99

**1999 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES**

The following report(s) from standing committee(s) is/are presented:

By Representative(s) **CULPEPPER** for the Committee on **RULES, CALENDAR AND OPERATIONS OF THE HOUSE.**

Committee Substitute for

H.B. 641 A BILL TO BE ENTITLED AN ACT RELATING TO THE TOWN OF CHAPEL HILL.

- With a favorable report.
- With a favorable report and recommendation that the bill be re-referred to the Committee on Appropriations Finance .
- With a favorable report, as amended.
- With a favorable report, as amended, and recommendation that the bill be re-referred to the Committee on Appropriations Finance .
- With a favorable report as to committee substitute bill (#), which changes the title, unfavorable as to (original bill) (Committee Substitute Bill #), (and recommendation that the committee substitute bill #) be re-referred to the Committee on .)
- With a favorable report as to House committee substitute bill (#), which changes the title, unfavorable as to Senate committee substitute bill.
- With an unfavorable report.
- With recommendation that the House concur.
- With recommendation that the House do not concur.
- With recommendation that the House do not concur; request conferees.
- With recommendation that the House concur; committee believes bill to be material.
- With an unfavorable report, with a Minority Report attached.
- Without prejudice.
- With an indefinite postponement report.
- With an indefinite postponement report, with a Minority Report attached.
- With recommendation that it be adopted. (HOUSE RESOLUTION ONLY)

2/24/99

**1999 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES**

The following report(s) from standing committee(s) is/are presented:

By Representative(s) **CULPEPPER** for the Committee on **RULES, CALENDAR AND OPERATIONS OF THE HOUSE.**

- Committee Substitute for
H.B. 646 A BILL TO BE ENTITLED AN ACT RELATING TO THE GOVERNANCE OF MOORE COUNTY.
- With a favorable report.
- With a favorable report and recommendation that the bill be re-referred to the Committee on Appropriations Finance .
- With a favorable report, as amended.
- With a favorable report, as amended, and recommendation that the bill be re-referred to the Committee on Appropriations Finance .
- With a favorable report as to committee substitute bill (#), which changes the title, unfavorable as to (original bill) (Committee Substitute Bill #), (and recommendation that the committee substitute bill #) be re-referred to the Committee on .)
- With a favorable report as to House committee substitute bill (#), which changes the title, unfavorable as to Senate committee substitute bill.
- With an unfavorable report.
- With recommendation that the House concur.
- With recommendation that the House do not concur.
- With recommendation that the House do not concur; request conferees.
- With recommendation that the House concur; committee believes bill to be material.
- With an unfavorable report, with a Minority Report attached.
- Without prejudice.
- With an indefinite postponement report.
- With an indefinite postponement report, with a Minority Report attached.
- With recommendation that it be adopted. (HOUSE RESOLUTION ONLY)

2/24/99

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1999

H

1

HOUSE BILL 647

Short Title: Moore County Local Act-1.

(Local)

Sponsors: Representative Yongue.

Referred to: Rules, Calendar and Operations of the House.

March 29, 1999

1 A BILL TO BE ENTITLED
2 AN ACT RELATING TO THE GOVERNANCE OF MOORE COUNTY.
3 The General Assembly of North Carolina enacts:
4 Section 1. This act applies to Moore County only.
5 Section 2. This act is effective when it becomes law.

**1999 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES**

The following report(s) from standing committee(s) is/are presented:

By Representative(s) **CULPEPPER** for the Committee on **RULES, CALENDAR AND OPERATIONS OF THE HOUSE.**

- Committee Substitute for
H.B. 647 A BILL TO BE ENTITLED AN ACT RELATING TO THE GOVERNANCE OF
MOORE COUNTY.
- With a favorable report.
- With a favorable report and recommendation that the bill be re-referred to the Committee on
Appropriations Finance .
- With a favorable report, as amended.
- With a favorable report, as amended, and recommendation that the bill be re-referred to the
Committee on Appropriations Finance .
- With a favorable report as to committee substitute bill (#), which changes the title,
unfavorable as to (original bill) (Committee Substitute Bill #), (and recommendation
that the committee substitute bill #) be re-referred to the Committee on .)
- With a favorable report as to House committee substitute bill (#), which changes
the title, unfavorable as to Senate committee substitute bill.
- With an unfavorable report.
- With recommendation that the House concur.
- With recommendation that the House do not concur.
- With recommendation that the House do not concur; request conferees.
- With recommendation that the House concur; committee believes bill to be material.
- With an unfavorable report, with a Minority Report attached.
- Without prejudice.
- With an indefinite postponement report.
- With an indefinite postponement report, with a Minority Report attached.
- With recommendation that it be adopted. (HOUSE RESOLUTION ONLY)

2/24/99

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1999

H

1

HOUSE BILL 653

Short Title: 46th House Dist. Local Act-1.

(Local)

Sponsors: Representatives Buchanan; and Thompson.

Referred to: Rules, Calendar and Operations of the House.

March 29, 1999

- 1 A BILL TO BE ENTITLED
2 AN ACT RELATING TO THE 46TH HOUSE DISTRICT.
3 The General Assembly of North Carolina enacts:
4 Section 1. This act relates to the 46th House District.
5 Section 2. This act is effective when it becomes law.

**1999 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES**

The following report(s) from standing committee(s) is/are presented:

By Representative(s) **CULPEPPER** for the Committee on **RULES, CALENDAR AND OPERATIONS OF THE HOUSE.**

Committee Substitute for

H.B. 653 A BILL TO BE ENTITLED AN ACT RELATING TO THE 46TH HOUSE DISTRICT.

With a favorable report.

With a favorable report and recommendation that the bill be re-referred to the Committee on Appropriations Finance .

With a favorable report, as amended.

With a favorable report, as amended, and recommendation that the bill be re-referred to the Committee on Appropriations Finance .

With a favorable report as to committee substitute bill (#), which changes the title, unfavorable as to (original bill) (Committee Substitute Bill #), (and recommendation that the committee substitute bill #) be re-referred to the Committee on .)

With a favorable report as to House committee substitute bill (#), which changes the title, unfavorable as to Senate committee substitute bill.

With an unfavorable report.

With recommendation that the House concur.

With recommendation that the House do not concur.

With recommendation that the House do not concur; request conferees.

With recommendation that the House concur; committee believes bill to be material.

With an unfavorable report, with a Minority Report attached.

Without prejudice.

With an indefinite postponement report.

With an indefinite postponement report, with a Minority Report attached.

With recommendation that it be adopted. (HOUSE RESOLUTION ONLY)

2/24/99

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 1999

H

1

HOUSE BILL 654

Short Title: 46th House Dist. Local Act-2.

(Local)

Sponsors: Representatives Buchanan; and Thompson.

Referred to: Rules, Calendar and Operations of the House.

March 29, 1999

- 1 A BILL TO BE ENTITLED
2 AN ACT RELATING TO THE 46TH HOUSE DISTRICT.
3 The General Assembly of North Carolina enacts:
4 Section 1. This act relates to the 46th House District.
5 Section 2. This act is effective when it becomes law.

**1999 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES**

The following report(s) from standing committee(s) is/are presented:

By Representative(s) **CULPEPPER** for the Committee on **RULES, CALENDAR AND OPERATIONS OF THE HOUSE**.

Committee Substitute for

H.B. 654 A BILL TO BE ENTITLED AN ACT RELATING TO THE 46TH HOUSE DISTRICT.

With a favorable report.

With a favorable report and recommendation that the bill be re-referred to the Committee on Appropriations Finance .

With a favorable report, as amended.

With a favorable report, as amended, and recommendation that the bill be re-referred to the Committee on Appropriations Finance .

With a favorable report as to committee substitute bill (#), which changes the title, unfavorable as to (original bill) (Committee Substitute Bill #), (and recommendation that the committee substitute bill #) be re-referred to the Committee on .)

With a favorable report as to House committee substitute bill (#), which changes the title, unfavorable as to Senate committee substitute bill.

With an unfavorable report.

With recommendation that the House concur.

With recommendation that the House do not concur.

With recommendation that the House do not concur; request conferees.

With recommendation that the House concur; committee believes bill to be material.

With an unfavorable report, with a Minority Report attached.

Without prejudice.

With an indefinite postponement report.

With an indefinite postponement report, with a Minority Report attached.

With recommendation that it be adopted. (HOUSE RESOLUTION ONLY)

2/24/99

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 1999

H

1

HOUSE BILL 655

Short Title: 88th House District Local Act-2.

(Local)

Sponsors: Representative Esposito.

Referred to: Rules, Calendar and Operations of the House.

March 29, 1999

- 1 A BILL TO BE ENTITLED
2 AN ACT RELATING TO THE 88TH HOUSE DISTRICT.
3 The General Assembly of North Carolina enacts:
4 Section 1. This act relates to the 88th House District.
5 Section 2. This act is effective when it becomes law.

**1999 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES**

The following report(s) from standing committee(s) is/are presented:

By Representative(s) **CULPEPPER** for the Committee on **RULES, CALENDAR AND OPERATIONS OF THE HOUSE.**

Committee Substitute for

H.B. 655 A BILL TO BE ENTITLED AN ACT RELATING TO THE 88TH HOUSE DISTRICT.

With a favorable report.

With a favorable report and recommendation that the bill be re-referred to the Committee on Appropriations Finance .

With a favorable report, as amended.

With a favorable report, as amended, and recommendation that the bill be re-referred to the Committee on Appropriations Finance .

With a favorable report as to committee substitute bill (#), which changes the title, unfavorable as to (original bill) (Committee Substitute Bill #), (and recommendation that the committee substitute bill #) be re-referred to the Committee on .)

With a favorable report as to House committee substitute bill (#), which changes the title, unfavorable as to Senate committee substitute bill.

With an unfavorable report.

With recommendation that the House concur.

With recommendation that the House do not concur.

With recommendation that the House do not concur; request conferees.

With recommendation that the House concur; committee believes bill to be material.

With an unfavorable report, with a Minority Report attached.

Without prejudice.

With an indefinite postponement report.

With an indefinite postponement report, with a Minority Report attached.

With recommendation that it be adopted. (HOUSE RESOLUTION ONLY)

2/24/99

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1999

H

1

HOUSE BILL 656

Short Title: 88th House District Local Act-1.

(Local)

Sponsors: Representative Esposito.

Referred to: Rules, Calendar and Operations of the House.

March 29, 1999

- 1 A BILL TO BE ENTITLED
2 AN ACT RELATING TO THE 88TH HOUSE DISTRICT.
3 The General Assembly of North Carolina enacts:
4 Section 1. This act relates to the 88th House District only.
5 Section 2. This act is effective when it becomes law.

**1999 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES**

The following report(s) from standing committee(s) is/are presented:

By Representative(s) **CULPEPPER** for the Committee on **RULES, CALENDAR AND OPERATIONS OF THE HOUSE.**

Committee Substitute for

H.B. 656 A BILL TO BE ENTITLED AN ACT RELATING TO THE 88TH HOUSE DISTRICT.

With a favorable report.

With a favorable report and recommendation that the bill be re-referred to the Committee on Appropriations Finance .

With a favorable report, as amended.

With a favorable report, as amended, and recommendation that the bill be re-referred to the Committee on Appropriations Finance .

With a favorable report as to committee substitute bill (#), which changes the title, unfavorable as to (original bill) (Committee Substitute Bill #), (and recommendation that the committee substitute bill #) be re-referred to the Committee on .)

With a favorable report as to House committee substitute bill (#), which changes the title, unfavorable as to Senate committee substitute bill.

With an unfavorable report.

With recommendation that the House concur.

With recommendation that the House do not concur.

With recommendation that the House do not concur; request conferees.

With recommendation that the House concur; committee believes bill to be material.

With an unfavorable report, with a Minority Report attached.

Without prejudice.

With an indefinite postponement report.

With an indefinite postponement report, with a Minority Report attached.

With recommendation that it be adopted. (HOUSE RESOLUTION ONLY)

2/24/99

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 1999

H

1

HOUSE BILL 662

Short Title: Buncombe County Local Act.

(Local)

Sponsors: Representative Nesbitt.

Referred to: Rules, Calendar and Operations of the House.

March 29, 1999

- 1 A BILL TO BE ENTITLED
2 AN ACT RELATING TO THE GOVERNANCE OF BUNCOMBE COUNTY.
3 The General Assembly of North Carolina enacts:
4 Section 1. This act applies to Buncombe County only.
5 Section 2. This act is effective when it becomes law.

**1999 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES**

The following report(s) from standing committee(s) is/are presented:

By Representative(s) **CULPEPPER** for the Committee on **RULES, CALENDAR AND OPERATIONS OF THE HOUSE.**

Committee Substitute for
H.B. 662 A BILL TO BE ENTITLED AN ACT RELATING TO THE GOVERNANCE OF
BUNCOMBE COUNTY.

- With a favorable report.
- With a favorable report and recommendation that the bill be re-referred to the Committee on Appropriations Finance .
- With a favorable report, as amended.
- With a favorable report, as amended, and recommendation that the bill be re-referred to the Committee on Appropriations Finance .
- With a favorable report as to committee substitute bill (#), which changes the title, unfavorable as to (original bill) (Committee Substitute Bill #), (and recommendation that the committee substitute bill #) be re-referred to the Committee on .)
- With a favorable report as to House committee substitute bill (#), which changes the title, unfavorable as to Senate committee substitute bill.
- With an unfavorable report.
- With recommendation that the House concur.
- With recommendation that the House do not concur.
- With recommendation that the House do not concur; request conferees.
- With recommendation that the House concur; committee believes bill to be material.
- With an unfavorable report, with a Minority Report attached.
- Without prejudice.
- With an indefinite postponement report.
- With an indefinite postponement report, with a Minority Report attached.
- With recommendation that it be adopted. (HOUSE RESOLUTION ONLY)

2/24/99

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1999

H

1

HOUSE BILL 663

Short Title: Asheville Local Act-2.

(Local)

Sponsors: Representative Nesbitt.

Referred to: Rules, Calendar and Operations of the House.

March 29, 1999

- 1 A BILL TO BE ENTITLED
2 AN ACT RELATING TO THE CITY OF ASHEVILLE.
3 The General Assembly of North Carolina enacts:
4 Section 1. This act relates to the City of Asheville.
5 Section 2. This act is effective when it becomes law.

**1999 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES**

The following report(s) from standing committee(s) is/are presented:

By Representative(s) **CULPEPPER** for the Committee on **RULES, CALENDAR AND OPERATIONS OF THE HOUSE.**

Committee Substitute for

H.B. 663 A BILL TO BE ENTITLED AN ACT RELATING TO THE CITY OF ASHEVILLE.

With a favorable report.

With a favorable report and recommendation that the bill be re-referred to the Committee on Appropriations Finance .

With a favorable report, as amended.

With a favorable report, as amended, and recommendation that the bill be re-referred to the Committee on Appropriations Finance .

With a favorable report as to committee substitute bill (#), which changes the title, unfavorable as to (original bill) (Committee Substitute Bill #), (and recommendation that the committee substitute bill #) be re-referred to the Committee on .)

With a favorable report as to House committee substitute bill (#), which changes the title, unfavorable as to Senate committee substitute bill.

With an unfavorable report.

With recommendation that the House concur.

With recommendation that the House do not concur.

With recommendation that the House do not concur; request conferees.

With recommendation that the House concur; committee believes bill to be material.

With an unfavorable report, with a Minority Report attached.

Without prejudice.

With an indefinite postponement report.

With an indefinite postponement report, with a Minority Report attached.

With recommendation that it be adopted. (HOUSE RESOLUTION ONLY)

2/24/99

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1999

H

1

HOUSE BILL 664

Short Title: Asheville Local Act-1.

(Local)

Sponsors: Representative Nesbitt.

Referred to: Rules, Calendar and Operations of the House.

March 29, 1999

- 1 A BILL TO BE ENTITLED
2 AN ACT RELATING TO THE CITY OF ASHEVILLE.
3 The General Assembly of North Carolina enacts:
4 Section 1. This act relates to the City of Asheville.
5 Section 2. This act is effective when it becomes law.

**1999 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES**

The following report(s) from standing committee(s) is/are presented:

By Representative(s) **CULPEPPER** for the Committee on **RULES, CALENDAR AND OPERATIONS OF THE HOUSE.**

Committee Substitute for

H.B. 664 A BILL TO BE ENTITLED AN ACT RELATING TO THE CITY OF ASHEVILLE.

With a favorable report.

With a favorable report and recommendation that the bill be re-referred to the Committee on Appropriations Finance .

With a favorable report, as amended.

With a favorable report, as amended, and recommendation that the bill be re-referred to the Committee on Appropriations Finance .

With a favorable report as to committee substitute bill (#), which changes the title, unfavorable as to (original bill) (Committee Substitute Bill #), (and recommendation that the committee substitute bill #) be re-referred to the Committee on .)

With a favorable report as to House committee substitute bill (#), which changes the title, unfavorable as to Senate committee substitute bill.

With an unfavorable report.

With recommendation that the House concur.

With recommendation that the House do not concur.

With recommendation that the House do not concur; request conferees.

With recommendation that the House concur; committee believes bill to be material.

With an unfavorable report, with a Minority Report attached.

Without prejudice.

With an indefinite postponement report.

With an indefinite postponement report, with a Minority Report attached.

With recommendation that it be adopted. (HOUSE RESOLUTION ONLY)

2/24/99

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1999

H

1

HOUSE BILL 666

Short Title: Tri-County Local Act.

(Local)

Sponsors: Representatives Crawford and Allen.

Referred to: Rules, Calendar and Operations of the House.

March 29, 1999

1

A BILL TO BE ENTITLED

2 **AN ACT RELATING TO GRANVILLE, PERSON, AND VANCE COUNTIES.**

3 **The General Assembly of North Carolina enacts:**

4 Section 1. This act applies to Granville, Person, and Vance Counties
5 only.

6 Section 2. This act is effective when it becomes law.

**1999 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES**

The following report(s) from standing committee(s) is/are presented:

By Representative(s) **CULPEPPER** for the Committee on **RULES, CALENDAR AND OPERATIONS OF THE HOUSE.**

Committee Substitute for

H.B. 666 A BILL TO BE ENTITLED AN ACT RELATING TO GRANVILLE, PERSON, AND VANCE COUNTIES.

With a favorable report.

With a favorable report and recommendation that the bill be re-referred to the Committee on Appropriations Finance .

With a favorable report, as amended.

With a favorable report, as amended, and recommendation that the bill be re-referred to the Committee on Appropriations Finance .

With a favorable report as to committee substitute bill (#), which changes the title, unfavorable as to (original bill) (Committee Substitute Bill #), (and recommendation that the committee substitute bill #) be re-referred to the Committee on .)

With a favorable report as to House committee substitute bill (#), which changes the title, unfavorable as to Senate committee substitute bill.

With an unfavorable report.

With recommendation that the House concur.

With recommendation that the House do not concur.

With recommendation that the House do not concur; request conferees.

With recommendation that the House concur; committee believes bill to be material.

With an unfavorable report, with a Minority Report attached.

Without prejudice.

With an indefinite postponement report.

With an indefinite postponement report, with a Minority Report attached.

With recommendation that it be adopted. (HOUSE RESOLUTION ONLY)

2/24/99

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1999

H

1

HOUSE BILL 668

Short Title: Granville Local Act.

(Local)

Sponsors: Representative Fox.

Referred to: Rules, Calendar and Operations of the House.

March 29, 1999

- 1 A BILL TO BE ENTITLED
2 AN ACT RELATING TO THE GOVERNANCE OF GRANVILLE COUNTY.
3 The General Assembly of North Carolina enacts:
4 Section 1. This act applies to Granville County only.
5 Section 2. This act is effective when it becomes law.

**1999 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES**

The following report(s) from standing committee(s) is/are presented:

By Representative(s) **CULPEPPER** for the Committee on **RULES, CALENDAR AND OPERATIONS OF THE HOUSE.**

Committee Substitute for

H.B. 668 A BILL TO BE ENTITLED AN ACT RELATING TO THE GOVERNANCE OF GRANVILLE COUNTY.

With a favorable report.

With a favorable report and recommendation that the bill be re-referred to the Committee on Appropriations Finance .

With a favorable report, as amended.

With a favorable report, as amended, and recommendation that the bill be re-referred to the Committee on Appropriations Finance .

With a favorable report as to committee substitute bill (#), which changes the title, unfavorable as to (original bill) (Committee Substitute Bill #), (and recommendation that the committee substitute bill #) be re-referred to the Committee on .)

With a favorable report as to House committee substitute bill (#), which changes the title, unfavorable as to Senate committee substitute bill.

With an unfavorable report.

With recommendation that the House concur.

With recommendation that the House do not concur.

With recommendation that the House do not concur; request conferees.

With recommendation that the House concur; committee believes bill to be material.

With an unfavorable report, with a Minority Report attached.

Without prejudice.

With an indefinite postponement report.

With an indefinite postponement report, with a Minority Report attached.

With recommendation that it be adopted. (HOUSE RESOLUTION ONLY)

2/24/99

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1999

H

1

HOUSE BILL 679

Short Title: Wake County Local Act-1.

(Local)

Sponsors: Representative Ellis.

Referred to: Rules, Calendar and Operations of the House.

March 29, 1999

- 1 A BILL TO BE ENTITLED
2 AN ACT RELATING TO WAKE COUNTY.
3 The General Assembly of North Carolina enacts:
4 Section 1. This act relates to Wake County.
5 Section 2. This act is effective when it becomes law.

**1999 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES**

The following report(s) from standing committee(s) is/are presented:

By Representative(s) **CULPEPPER** for the Committee on **RULES, CALENDAR AND OPERATIONS OF THE HOUSE.**

Committee Substitute for

H.B. 679 A BILL TO BE ENTITLED AN ACT RELATING TO WAKE COUNTY.

With a favorable report.

With a favorable report and recommendation that the bill be re-referred to the Committee on Appropriations Finance .

With a favorable report, as amended.

With a favorable report, as amended, and recommendation that the bill be re-referred to the Committee on Appropriations Finance .

With a favorable report as to committee substitute bill (#), which changes the title, unfavorable as to (original bill) (Committee Substitute Bill #), (and recommendation that the committee substitute bill #) be re-referred to the Committee on .)

With a favorable report as to House committee substitute bill (#), which changes the title, unfavorable as to Senate committee substitute bill.

With an unfavorable report.

With recommendation that the House concur.

With recommendation that the House do not concur.

With recommendation that the House do not concur; request conferees.

With recommendation that the House concur; committee believes bill to be material.

With an unfavorable report, with a Minority Report attached.

Without prejudice.

With an indefinite postponement report.

With an indefinite postponement report, with a Minority Report attached.

With recommendation that it be adopted. (HOUSE RESOLUTION ONLY)

2/24/99

**1999 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES**

The following report(s) from standing committee(s) is/are presented:

By Representative(s) **CULPEPPER** for the Committee on **RULES, CALENDAR AND
OPERATIONS OF THE HOUSE.**

Committee Substitute for

H.B. 680 A BILL TO BE ENTITLED AN ACT RELATING TO WAKE COUNTY.

With a favorable report.

With a favorable report and recommendation that the bill be re-referred to the Committee on
Appropriations Finance .

With a favorable report, as amended.

With a favorable report, as amended, and recommendation that the bill be re-referred to the
Committee on Appropriations Finance .

With a favorable report as to committee substitute bill (#), which changes the title,
unfavorable as to (original bill) (Committee Substitute Bill #), (and recommendation
that the committee substitute bill #) be re-referred to the Committee on .)

With a favorable report as to House committee substitute bill (#), which changes
the title, unfavorable as to Senate committee substitute bill.

With an unfavorable report.

With recommendation that the House concur.

With recommendation that the House do not concur.

With recommendation that the House do not concur; request conferees.

With recommendation that the House concur; committee believes bill to be material.

With an unfavorable report, with a Minority Report attached.

Without prejudice.

With an indefinite postponement report.

With an indefinite postponement report, with a Minority Report attached.

With recommendation that it be adopted. (HOUSE RESOLUTION ONLY)

2/24/99

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1999

H

1

HOUSE BILL 681

Short Title: Wake County Local Act-3.

(Local)

Sponsors: Representative Ellis.

Referred to: Rules, Calendar and Operations of the House.

March 29, 1999

- 1 A BILL TO BE ENTITLED
2 AN ACT RELATING TO WAKE COUNTY.
3 The General Assembly of North Carolina enacts:
4 Section 1. This act relates to Wake County.
5 Section 2. This act is effective when it becomes law.

**1999 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES**

The following report(s) from standing committee(s) is/are presented:

By Representative(s) **CULPEPPER** for the Committee on **RULES, CALENDAR AND OPERATIONS OF THE HOUSE.**

Committee Substitute for

H.B. 681 A BILL TO BE ENTITLED AN ACT RELATING TO WAKE COUNTY.

With a favorable report.

With a favorable report and recommendation that the bill be re-referred to the Committee on Appropriations Finance .

With a favorable report, as amended.

With a favorable report, as amended, and recommendation that the bill be re-referred to the Committee on Appropriations Finance .

With a favorable report as to committee substitute bill (#), which changes the title, unfavorable as to (original bill) (Committee Substitute Bill #), (and recommendation that the committee substitute bill #) be re-referred to the Committee on .)

With a favorable report as to House committee substitute bill (#), which changes the title, unfavorable as to Senate committee substitute bill.

With an unfavorable report.

With recommendation that the House concur.

With recommendation that the House do not concur.

With recommendation that the House do not concur; request conferees.

With recommendation that the House concur; committee believes bill to be material.

With an unfavorable report, with a Minority Report attached.

Without prejudice.

With an indefinite postponement report.

With an indefinite postponement report, with a Minority Report attached.

With recommendation that it be adopted. (HOUSE RESOLUTION ONLY)

2/24/99

AGENDA

**HOUSE COMMITTEE ON RULES, CALENDAR AND
OPERATIONS OF THE HOUSE**

**July 1, 1999
Room 421 LOB
11:05 AM**

OPENING REMARKS

Representative Culpepper, Chairman

CONSIDERATION OF BILLS

ACTION TAKEN ON BILLS

ADJOURNMENT

MINUTES OF THE COMMITTEE ON RULES, CALENDAR AND OPERATIONS OF
THE HOUSE

July 1, 1999

The Committee on Rules, Calendar and Operations of the House met on July 1, 1999 at 11:05 a.m. in Room 421 of the Legislative Office Building. The following members were present; Representatives Culpepper, Chairman, Hackney, Vice Chairman; Alexander, Boyd-McIntyre, Crawford, Gulley, Hill, Luebke, McCombs, McMahan, Nye, Tolson, Wood and Yongue.

The following bills were considered:

HOUSE BILL 667-AN ACT RELATING TO FRANKLIN, HALIFAX, AND WARREN COUNTIES. A proposed committee substitute was offered for adoption by Representative Crawford changing the title to AN ACT TO ANNEX CERTAIN DESCRIBED PROPERTY TO THE CITY OF ROANOKE RAPIDS. Representative Nye for adoption of the proposed committee substitute. Without objection the motion carried. Representative Crawford then moved that the proposed committee substitute be reported without prejudice, unfavorable as to original bill and be re-referred to the Committee on Finance. The motion passed.

COMMITTEE SUBSTITUTE #2 FOR HOUSE BILL 723- AN ACT TO WAIVE THE AFTER-FACTORY WINDOW TINTING INSPECTION FEE FOR PERSONS WITH DOCUMENTED MEDICAL CONDITIONS THAT REQUIRE WINDOW TINTING. A proposed committee substitute was offered by Representative Insko . The proposed committee substitute changes the title to AN ACT TO ALLOW A PERSON WHO SUFFERS FROM A MEDICAL CONDITION THAT CAUSES THE PERSON TO BE PHOTOSENSITIVE TO VISIBLE LIGHT TO HAVE A DARKER VEHICLE WINDOW THAN IS ALLOWED UNDER THE WINDOW TINTING LAWS AND TO ELIMINATE THE AFTER-FACTORY WINDOW TINTING INSPECTION FEE FOR VEHICLES OWNED BY PERSONS ISSUED A MEDICAL EXCEPTION PERMIT BY THE DIVISION OF MOTOR VEHICLES ALLOWING THE WINDOW TINTING. Representative McMahan moved that the proposed committee substitute #3 be adopted, and the motion carried without objection. Following Representative Insko's explanation, Representative Hill made a motion that the proposed committee substitute #3 be reported without prejudice, unfavorable as to committee substitute #2, and be re-referred to the Committee on Finance. The motion carried.

HOUSE BILL 841-AN ACT TO AMEND THE CARRBORO TOWN CHARTER TO AUTHORIZE THE GOVERNING BODY TO OFFER INCENTIVES TO ENCOURAGE MORE AFFORDABLE HOUSING UNITS AND TO CHANGE THE NAME OF THE CARRBORO BOARD OF ALDERMEN, AND TO AUTHORIZE THE TOWN OF CHAPEL HILL TO ENHANCE AND INCREASE SEDIMENTATION PROTECTION AND TO AMEND THE CHAPEL HILL CHARTER TO ALLOW THE TOWN COUNCIL TO REQUIRE CANDIDATES TO ELECTIVE TOWN OFFICE TO

DISCLOSE THE NAMES OF CAMPAIGN CONTRIBUTORS AND TO LIMIT BY ORDINANCE THE AMOUNT THAT PERSONS MAY CONTRIBUTE TO A CANDIDATE OR THEIR POLITICAL COMMITTEE AND TO ALLOW THE REGULATION OF OPEN BURNING, AND TO ALLOW HALF-DAY SHIFTS FOR ELECTION JUDGES IN ORANGE COUNTY. Representative Hackney, the bill sponsor, recommended that the House concur with the Senate committee substitute, and the motion carried.

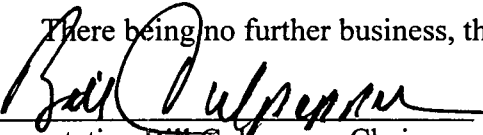
HOUSE RESOLUTION 1487-A HOUSE RESOLUTION HONORING THE LIFE AND MEMORY OF JAMES IREDELL FOR WHOM IREDELL COUNTY IS NAMED. Representative Setzer, bill sponsor, spoke on the resolution, and Representative Jarrell moved for its adoption. The motion carried.

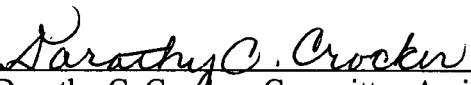
SENATE BILL 302-AN ACT TO REGULATE HUNTING IN LEE COUNTY. Due to the absence of the bill sponsor, Senator Kinnaird, the bill was displaced.

COMMITTEE SUBSTITUTE FOR SENATE BILL 333-AN ACT RELATING TO THE MEMBERSHIP OF STATUTORILY CREATED DECISION-MAKING OR REGULATORY BOARDS, COMMISSIONS, COUNCILS, AND COMMITTEES; PROVIDING INTENT; PROVIDING POLICY WITH RESPECT TO THE APPOINTMENT OF MEMBERS TO SUCH BODIES TO ENCOURAGE PROPORTIONATE REPRESENTATION OF WOMEN; REQUIRING ANNUAL REPORTS; AND REQUIRING RETENTION OF CERTAIN INFORMATION REGARDING APPLICANTS. Representative Alexander speaking for Senator Perdue, the bill sponsor, sent forward an amendment which made the act effective when it becomes law and moved for its adoption. The motion carried. Anne Berlam, President of The Women's Forum, Betty Anne Knudsen, member of The Women's Forum, and Brenda Summers, President of N. C. Equity, spoke in favor of the bill. Representative Alexander moved for a favorable report, as amended, for the committee substitute, and the motion passed.

COMMITTEE SUBSTITUTE FOR HOUSE BILL 815-AN ACT TO ALLOW LEFT TURNS ON RED IN CERTAIN SITUATIONS AND TO APPROPRIATE FUNDS FOR SIGNAGE NECESSARY TO IMPLEMENT THE ACT. Representative Hensley, bill sponsor, was recognized to explain the bill. He sent forward an amendment and Representative Wright moved for its adoption. The motion carried. Following Representative Hensley's explanation of the bill and the amendment, Representative Wood made a motion that the bill be given a favorable report, as amended, and the motion passed.

There being no further business, the meeting adjourned at 11:40 a.m.


Representative Bill Culpepper, Chairman


Dorothy C. Crocker, Committee Assistant

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1999

H

1

HOUSE BILL 667

Short Title: Multicounty Local Act.

(Local)

Sponsors: Representatives Crawford and Allen.

Referred to: Rules, Calendar and Operations of the House.

March 29, 1999

1 A BILL TO BE ENTITLED
2 AN ACT RELATING TO FRANKLIN, HALIFAX, AND WARREN COUNTIES.
3 The General Assembly of North Carolina enacts:
4 Section 1. This act applies to Franklin, Halifax, and Warren Counties
5 only.
6 Section 2. This act is effective when it becomes law.

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1999

H

D

HOUSE BILL 667
Proposed Committee Substitute H667-PCSX1295-LB

Short Title: Roanoke Rapids Annexation.

(Local)

Sponsors:

Referred to:

March 29, 1999

1 A BILL TO BE ENTITLED
2 AN ACT TO ANNEX CERTAIN DESCRIBED PROPERTY TO THE CITY OF
3 ROANOKE RAPIDS.
4 The General Assembly of North Carolina enacts:
5 Section 1. The corporate limits of the City of Roanoke Rapids are
6 extended to include the following described territory:
7 That certain tract or parcel of land lying and being situated in Roanoke Rapids
8 Township, Halifax County, North Carolina, more particularly described as follows:
9 Beginning at new iron pin, said iron pin being the Southern right-of-way of State
10 Road 1426, the same being in the North-Eastern right-of-way of the access road to
11 Lakeview Plaza Development. Thence leaving said point of beginning along the
12 Southern right-of-way of Bolling Road, State Road 1426, the following courses and
13 distances: N 60°00'42" E chord 118.14'-with a radius of 1,656.45' and an arc of
14 118.17'-continuing along Bolling Road right-of-way a chord N 62°34'31" E 30.05'
15 with a radius of 1,656.45' and an arc of 30.05' thence leaving the right-of-way of
16 Bolling Road S 30°37'00" E 159.90' to a new 3/4 inch iron pipe, thence S 59°23'00"
17 W. 164.99' to a new 3/4 inch iron pipe, the same being in the Eastern right-of-way of
18 a 45' access drive to Lakeview Plaza Development, thence N 30°, thence along the
19 aforesaid access drive N 30°37'00" W 46', thence N 30°37'39" W 100.03', and thence
20 N 14°26'26" E 23.84' to a new iron pipe (3/4 inches), the same being the point of
21 beginning. Said tract or parcel of land containing approximately 26,675 square feet.
22 See plat Cabinet 4 Slide 44A and 44B for the original map showing a part of the
23 foregoing described tract or parcel of land. The foregoing description contains the

1 description of the parcel of land purchased by the Grantee as per Deed recorded in
2 Book 1733 page 354 and Deed recorded in Book 1467 page 568. The foregoing
3 parcel of land excludes the parcel of land acquired by the Department of
4 Transportation from the Savings Bank as per F.A. project-STP-1426 [1] also known as
5 State Highway Project 8.2300601. Said deed is recorded in Book 1732 page 086,
6 Halifax Public Registry.

7 Section 2. Real and personal property in the territory annexed pursuant
8 to this act is subject to municipal taxes as provided in G.S. 160A-58.10.

9 Section 3. This act becomes effective September 30, 1999.

**1999 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES**

The following report(s) from standing committee(s) is/are presented:

By Representative(s) **CULPEPPER** for the Committee on **RULES, CALENDAR AND OPERATIONS OF THE HOUSE.**

- Committee Substitute for
H.B. 667 A BILL TO BE ENTITLED AN ACT RELATING TO FRANKLIN, HALIFAX,
AND WARREN COUNTIES.
- With a favorable report.
- With a favorable report and recommendation that the bill be re-referred to the Committee on
Appropriations Finance .
- With a favorable report, as amended.
- With a favorable report, as amended, and recommendation that the bill be re-referred to the
Committee on Appropriations Finance .
- Without prejudice as to committee substitute bill, which changes the title, unfavorable as
to original bill and recommendation that the committee substitute bill be re-referred to the
Committee on Finance.
- With a favorable report as to House committee substitute bill (#), which changes
the title, unfavorable as to Senate committee substitute bill.
- With an unfavorable report.
- With recommendation that the House concur.
- With recommendation that the House do not concur.
- With recommendation that the House do not concur; request conferees.
- With recommendation that the House concur; committee believes bill to be material.
- With an unfavorable report, with a Minority Report attached.
- Without prejudice.
- With an indefinite postponement report.
- With an indefinite postponement report, with a Minority Report attached.
- With recommendation that it be adopted. (HOUSE RESOLUTION ONLY)

2/24/99

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1999

H

3

HOUSE BILL 723
Committee Substitute Favorable 4/22/99
Committee Substitute #2 Favorable 6/24/99

Short Title: Dark Window Inspection Fee.

(Public)

Sponsors:

Referred to:

March 30, 1999

1 A BILL TO BE ENTITLED
2 AN ACT TO WAIVE THE AFTER-FACTORY WINDOW TINTING INSPECTION
3 FEE FOR PERSONS WITH DOCUMENTED MEDICAL CONDITIONS THAT
4 REQUIRE WINDOW TINTING.

5 The General Assembly of North Carolina enacts:

6 Section 1. G.S. 20-183.7(a) reads as rewritten:

7 "(a) Fee Amount. -- When a fee applies to an inspection of a vehicle or the
8 issuance of an inspection sticker, the fee must be collected. The following fees apply
9 to an inspection of a vehicle and the issuance of an inspection sticker:

10 <u>Type</u>	<u>Inspection</u>	<u>Sticker</u>
11 Safety Only, Without After-		
12 Factory Tinted Window	\$ 8.25	\$ 1.00
13 Safety Only, With After-Factory Tinted		
14 Window	18.25	1.00
15 Emissions and Safety Without After-Factory		
16 Tinted Window	17.00	2.40
17 Emissions and Safety With After-Factory		
18 Tinted Window	27.00	2.40.

19 The fee for performing an inspection of a vehicle applies when an inspection is
20 performed, regardless of whether the vehicle passes the inspection. The fee for an
21 inspection sticker applies when an inspection sticker is put on a vehicle. The fee for

1 performing an inspection of a vehicle with a tinted window applies only to an
2 inspection performed with a light meter after a safety inspection mechanic
3 determined that the window had after-factory tint.

4 A vehicle that is inspected at an inspection station and fails the inspection is
5 entitled to be reinspected at the same station at any time within 30 days of the failed
6 inspection without paying another inspection fee.

7 The fee for after-factory tinting inspection shall be waived by five dollars (\$5.00)
8 for any vehicle owner with a documented medical condition that requires after-
9 factory tinted windows."

10 Section 2. This act is effective when it becomes law.

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1999

H

D

HOUSE BILL 723
Committee Substitute Favorable 4/22/99
Committee Substitute #2 Favorable 6/24/99
Proposed Committee Substitute H723-PCS7269-LK

Short Title: Dark Window Inspection Fee.

(Public)

Sponsors:

Referred to:

March 30, 1999

1 A BILL TO BE ENTITLED
2 AN ACT TO ALLOW A PERSON WHO SUFFERS FROM A MEDICAL
3 CONDITION THAT CAUSES THE PERSON TO BE PHOTSENSITIVE TO
4 VISIBLE LIGHT TO HAVE A DARKER VEHICLE WINDOW THAN IS
5 ALLOWED UNDER THE WINDOW TINTING LAWS AND TO ELIMINATE
6 THE AFTER-FACTORY WINDOW TINTING INSPECTION FEE FOR
7 VEHICLES OWNED BY PERSONS ISSUED A MEDICAL EXCEPTION
8 PERMIT BY THE DIVISION OF MOTOR VEHICLES ALLOWING THE
9 WINDOW TINTING.

10 The General Assembly of North Carolina enacts:

11 Section 1. G.S. 20-127 reads as rewritten:

12 "**§ 20-127. Windows and windshield wipers.**

13 (a) Windshield Wipers. -- A vehicle that is operated on a highway and has a
14 windshield ~~must~~ shall have a windshield wiper to clear rain or other substances from
15 the windshield in front of the driver of the vehicle and the windshield wiper ~~must~~
16 shall be in good working order. If a vehicle has more than one windshield wiper to
17 clear substances from the windshield, all the windshield wipers ~~must~~ shall be in good
18 working order.

19 (b) Window Tinting Restrictions. -- A window of a vehicle that is operated on a
20 highway or a public vehicular area ~~must~~ shall comply with this subsection. The
21 windshield of the vehicle may be tinted only along the top of the windshield and the

1 tinting may not extend more than five inches below the top of the windshield or
2 below the AS1 line of the windshield, whichever measurement is longer. Provided,
3 however, an untinted clear film, which does not obstruct vision but which reduces or
4 eliminates ultraviolet radiation from entering a vehicle may be applied to the
5 windshield. Any other window of the vehicle may be tinted in accordance with the
6 following restrictions:

- 7 (1) The total light transmission of the tinted window ~~must~~ shall be at
8 least thirty-five percent (35%). A vehicle window that, by use of a
9 light meter approved by the Commissioner, measures a total light
10 transmission of more than thirty-two percent (32%) is conclusively
11 presumed to meet this restriction.
- 12 (2) The light reflectance of the tinted window ~~must~~ shall be twenty
13 percent (20%) or less.
- 14 (3) Tinted film or another material used to tint the window ~~must~~ shall
15 be nonreflective and ~~must~~ shall not be ~~a color other than~~ red,
16 yellow, or amber.

17 (c) Tinting Exceptions. -- The window tinting restrictions in subsection (b) of this
18 section apply without exception to the windshield of a vehicle. The window tinting
19 restrictions in subdivisions (b)(1) and (b)(2) of this section do not apply to any of the
20 following vehicle windows:

- 21 (1) A window of an excursion passenger vehicle, as defined in G.S. 20-
22 4.01(27)a.
- 23 (2) A window of a for-hire passenger vehicle, as defined in G.S. 20-
24 4.01(27)b.
- 25 (3) A window of a common carrier of passengers, as defined in G.S.
26 20-4.01(27)c.
- 27 (4) A window of a motor home, as defined in G.S. 20-4.01(27)d2.
- 28 (5) A window of an ambulance, as defined in G.S. 20-4.01(27)f.
- 29 (6) The rear window of a property-hauling vehicle, as defined in G.S.
30 20-4.01(31).
- 31 (7) A window of a limousine.
- 32 (8) A window of a law enforcement vehicle.
- 33 (9) A window of a multipurpose vehicle that is behind the driver of
34 the vehicle. A multipurpose vehicle is a passenger vehicle that is
35 designed to carry 10 or fewer passengers and either is constructed
36 on a truck chassis or has special features designed for occasional
37 off-road operation. A minivan and a pickup truck are multipurpose
38 vehicles.
- 39 (10) A window of a vehicle that is registered in another state and meets
40 the requirements of the state in which it is registered.
- 41 (11) A window of a vehicle for which the Division has issued a medical
42 exception permit under subsection (f) of this section.

43 (d) Violations. -- A person who does any of the following commits a misdemeanor
44 of the class set in G.S. 20-176:

1 (1) Applies tinting to the window of a vehicle that is subject to a safety
2 inspection in this State and the resulting tinted window does not
3 meet the window tinting restrictions set in this section.

4 (2) Drives on a highway or a public vehicular area a vehicle that has a
5 window that does not meet the window tinting restrictions set in
6 this section.

7 (e) Defense. -- It is a defense to a charge of driving a vehicle with an unlawfully
8 tinted window that the tinting was removed within 15 days after the charge and the
9 window now meets the window tinting restrictions. To assert this defense, the person
10 charged ~~must~~ shall produce in court, or submit to the prosecuting attorney before
11 trial, a certificate from the Division of Motor Vehicles or the Highway Patrol showing
12 that the window complies with the restrictions.

13 (f) Medical Exception. -- A person who suffers from a medical condition that
14 causes the person to be photosensitive to visible light may obtain a medical exception
15 permit. To obtain a permit, an applicant shall apply in writing to the Drivers
16 Medical Evaluation Program, have his or her doctor complete the required medical
17 evaluation form provided by the Division, and pay the application fee. The
18 application fee is five dollars (\$5.00). The permit shall be valid for five years from
19 the date of issue, unless a shorter time is directed by the Drivers Medical Evaluation
20 Program. The renewal shall require a medical recertification that the person
21 continues to suffer from a medical condition requiring tinting.

22 A person may receive no more than two medical exception permits that are valid
23 at any one time. A permit issued under this subsection shall specify the vehicle to
24 which it applies, the windows that may be tinted, and the permitted levels of tinting.
25 The permit shall be carried in the vehicle to which it applies when the vehicle is
26 driven on a highway. The Division shall give a person who receives a medical
27 exception permit a sticker to place on the lower left-hand corner of the rear window
28 of the vehicle to which it applies."

29 Section 2. The Medical Review Branch of the Division of Motor
30 Vehicles shall issue rules and create forms and permits necessary for this program.
31 Until funds for this program are appropriated by the General Assembly, the Medical
32 Review Branch shall manually issue all medical exception permits and shall manually
33 maintain the records related specifically to these permits.

34 The Division of Motor Vehicles shall add the medical exception
35 described in Section 1 of this act to the STARS program, to allow the computerized
36 issuance of medical exception permits and to allow computerized maintenance of the
37 records related specifically to these permits when it is modifying that computer
38 program for some other purpose.

39 The Division of Motor Vehicles shall report to the Joint Legislative
40 Transportation Oversight Committee six months after the first medical exception
41 permit is issued on the number of permits issued and the projected additional costs, if
42 any, of operating the program.

43 Section 3. G.S. 20-183.7(a) reads as rewritten:

1 "(a) Fee Amount. -- When a fee applies to an inspection of a vehicle or the
 2 issuance of an inspection sticker, the fee must be collected. The following fees apply
 3 to an inspection of a vehicle and the issuance of an inspection sticker:

4 <u>Type</u>	<u>Inspection</u>	<u>Sticker</u>
5 Safety Only, Without After-		
6 Factory Tinted Window Only	\$ 8.25	\$ 1.00
7 Safety Only, With After-Factory Tinted		
8 Window	18.25	1.00
9 Emissions and Safety Without After-Factory		
10 Tinted Window	17.00	2.40
11 Emissions and Safety With After-Factory		
12 Tinted Window	27.00	2.40.

13 The fee for performing an inspection of a vehicle applies when an inspection is
 14 performed, regardless of whether the vehicle passes the inspection. The fee for an
 15 inspection sticker applies when an inspection sticker is put on a vehicle. The fee for
 16 ~~performing an inspection of a vehicle with a~~ inspecting after-factory tinted window
 17 windows shall be ten dollars (\$10.00), and the fee applies only to an inspection
 18 performed with a light meter after a safety inspection mechanic determined that the
 19 window had after-factory tint. A safety inspection mechanic shall not inspect an
 20 after-factory tinted window of a vehicle for which the Division has issued a medical
 21 exception permit pursuant to G.S. 20-127(f).

22 A vehicle that is inspected at an inspection station and fails the inspection is
 23 entitled to be reinspected at the same station at any time within 30 days of the failed
 24 inspection without paying another inspection fee."

25 Section 4. This act becomes effective October 1, 1999.

**1999 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES**

The following report(s) from standing committee(s) is/are presented:

By Representative(s) **Culpepper** for the Committee on **Rules, Calendar and Operations of the House.**

Committee Substitute #2 for

H.B. 723 A BILL TO BE ENTITLED AN ACT TO WAIVE THE AFTER-FACTORY WINDOW TINTING INSPECTION FEE FOR PERSONS WITH DOCUMENTED MEDICAL CONDITIONS THAT REQUIRE WINDOW TINTING.

- With a favorable report.
- With a favorable report and recommendation that the bill be re-referred to the Committee on Appropriations Finance .
- With a favorable report, as amended.
- With a favorable report, as amended, and recommendation that the bill be re-referred to the Committee on Appropriations Finance .
- Without prejudice as to committee substitute bill # 3, which changes the title, unfavorable as to Committee Substitute Bill # 2, and recommendation that the committee substitute bill #3 be re-referred to the Committee on Finance.
- With a favorable report as to House committee substitute bill (#), which changes the title, unfavorable as to Senate committee substitute bill.
- With an unfavorable report.
- With recommendation that the House concur.
- With recommendation that the House do not concur.
- With recommendation that the House do not concur; request conferees.
- With recommendation that the House concur; committee believes bill to be material.
- With an unfavorable report, with a Minority Report attached.
- Without prejudice.
- With an indefinite postponement report.
- With an indefinite postponement report, with a Minority Report attached.
- With recommendation that it be adopted. (HOUSE RESOLUTION ONLY)

2/24/99

1 with the subject matters contained in Article 19 of Chapter 160A of the General
2 Statutes. In a unified development ordinance the board may provide that subdivision
3 preliminary plat approval be granted in the same manner as any other conditional use
4 permit is issued, including the attachment of reasonable conditions to such approval.
5 The Town may provide by ordinance for appropriate incentives to encourage that
6 residential developments contain housing units that are affordable to low- or
7 moderate-income persons."

8 Section 2. Section 2-1(a) of Article 2 of the Charter of the Town of
9 Carrboro, being Chapter 476 of the 1987 Session Laws, as amended, reads as
10 rewritten:

11 "(a) The governing body of the Town of Carrboro shall consist of a mayor and six
12 ~~aldermen, aldermen, commissioners, councillors, or council members, as determined~~
13 by resolution of the Town of Carrboro, elected as provided in Section 2-2. The
14 governing body shall be known as the ~~Board of Aldermen. Board of Aldermen,~~
15 Board of Commissioners, Board of Councillors, or Town Council, as determined by
16 resolution of the Town of Carrboro. Whenever this Charter or any ordinance,
17 resolution, or other document refers to the Carrboro Board of Aldermen, such
18 reference shall be deemed to refer to the Carrboro Board of Aldermen, Board of
19 Commissioners, Board of Councillors, or Town Council, as determined by resolution
20 of the Town of Carrboro."

21 Section 3. G.S. 113A-60(a) reads as rewritten:

22 "(a) Any local government may submit to the Commission for its approval an
23 erosion and sediment control program for its jurisdiction, and to this end local
24 governments are authorized to adopt ordinances and regulations necessary to
25 establish and enforce erosion and sediment control programs. Local governments are
26 authorized to create or designate agencies or subdivisions of local government to
27 administer and enforce the programs. An ordinance adopted by a local government
28 shall at least meet and may exceed the minimum requirements of this Article and the
29 rules adopted pursuant to this ~~Article. Article and may require enhanced and~~
30 increased sedimentation protection by reason of the concurrent construction of two or
31 more projects in the same watershed. Two or more units of local government are
32 authorized to establish a joint program and to enter into any agreements that are
33 necessary for the proper administration and enforcement of the program. The
34 resolutions establishing any joint program must be duly recorded in the minutes of
35 the governing body of each unit of local government participating in the program,
36 and a certified copy of each resolution must be filed with the Commission."

37 Section 4. Chapter II of the Charter of the Town of Chapel Hill, being
38 Chapter 473 of the 1975 Session Laws, as amended, is amended by adding the
39 following new sections to read:

40 "Sec. 2.6. Disclosure of contributors.

41 (a) The Town Council may by ordinance require the disclosure by candidates (and
42 their political committees) for elective town office of the names of all contributors to
43 their campaigns. The ordinance may exempt from disclosure contributions below a
44 monetary amount set in the ordinance.

1 (b) The ordinance shall apply regardless of the total amount of contributions,
2 loans, or expenditures by the campaigns.

3 (c) G.S. 163-278.10A does not apply to municipal elections in the Town of Chapel
4 Hill.

5 "Sec. 2.7. Limitation on contributions.

6 Except as provided by G.S. 163-278.13(c), the Town Council may by ordinance
7 limit the amount of contributions which any individual, person, or political
8 committee may contribute to any candidate for town office or to any political
9 committee of that candidate. The ordinance may not set a limitation which has a
10 dollar amount greater than the dollar amount set in the general law which would
11 apply to elective office in the town.

12 "Sec. 2.8. Definitions. The definitions in Article 22A of Chapter 163 of the
13 General Statutes apply to Sections 2.6 and 2.7 of this Charter."

14 Section 5. Chapter V of the Charter of the Town of Chapel Hill, being
15 Chapter 473 of the 1975 Session Laws, as amended, is amended by adding the
16 following new Article to read:

17 "Article 9. Regulation of Open Burning.

18 "Sec. 5.50. After conducting a public hearing, the Town may adopt ordinances to
19 regulate and prohibit the open burning of trees, limbs, stumps, and construction
20 debris within the Town or the Town's extraterritorial jurisdiction.

21 The Town may, as a condition of approval for any permit for a subdivision,
22 clearing and development of land, or construction of buildings within the Town or
23 the Town's extraterritorial jurisdiction, regulate and prohibit the open burning of
24 trees, limbs, stumps, and construction debris associated with the permitted activity."

25 Section 6.(a) G.S. 163-47(a) reads as rewritten:

26 "(a) The chief judges and judges of election shall conduct the primaries and
27 elections within their respective precincts fairly and impartially, and they shall
28 enforce peace and good order in and about the place of registration and voting. On
29 the day of each primary and general and special election, the precinct chief judge and
30 judges shall remain at the voting place from the time fixed by law for the
31 commencement of their duties there until they have completed all those duties, and
32 they shall not separate nor shall any one of them leave the voting place except for
33 unavoidable necessity. Notwithstanding the requirement in the previous sentence, the
34 county boards of elections may allow judges of election to serve for half-day shifts."

35 Section 6.(b) This section applies to Orange County only.

36 Section 7. Section 3 of this act applies only to the Town of Chapel Hill.

37 Section 8. This act is effective when it becomes law.

**1999 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES**

The following report(s) from standing committee(s) is/are presented:

By Representative(s) **Culpepper** for the Committee on **Rules, Calendar and Operations of the House.**

Committee Substitute for

H.B. 841 A BILL TO BE ENTITLED AN ACT TO AMEND THE CARRBORO TOWN CHARTER TO AUTHORIZE THE GOVERNING BODY TO OFFER INCENTIVES TO ENCOURAGE MORE AFFORDABLE HOUSING UNITS AND TO CHANGE THE NAME OF THE CARRBORO BOARD OF ALDERMEN, AND TO AUTHORIZE THE TOWN OF CHAPEL HILL TO ENHANCE AND INCREASE SEDIMENTATION PROTECTION AND TO AMEND THE CHAPEL HILL CHARTER TO ALLOW THE TOWN COUNCIL TO REQUIRE CANDIDATES FOR ELECTIVE TOWN OFFICE TO DISCLOSE THE NAMES OF CAMPAIGN CONTRIBUTORS AND TO LIMIT BY ORDINANCE THE AMOUNT THAT PERSONS MAY CONTRIBUTE TO A CANDIDATE OR THEIR POLITICAL COMMITTEE AND TO ALLOW THE REGULATION OF OPEN BURNING, AND TO ALLOW HALF-DAY SHIFTS FOR ELECTION JUDGES IN ORANGE COUNTY.

With a favorable report.

With a favorable report and recommendation that the bill be re-referred to the Committee on Appropriations Finance .

With a favorable report, as amended.

With a favorable report, as amended, and recommendation that the bill be re-referred to the Committee on Appropriations Finance .

With a favorable report as to committee substitute bill (#), which changes the title, unfavorable as to (original bill) (Committee Substitute Bill #), (and recommendation that the committee substitute bill #) be re-referred to the Committee on .)

With a favorable report as to House committee substitute bill (#), which changes the title, unfavorable as to Senate committee substitute bill.

With an unfavorable report.

With recommendation that the House concur.

With recommendation that the House do not concur.

With recommendation that the House do not concur; request conferees.

With recommendation that the House concur; committee believes bill to be material.

With an unfavorable report, with a Minority Report attached.

Without prejudice.

With an indefinite postponement report.

With an indefinite postponement report, with a Minority Report attached.

With recommendation that it be adopted. (HOUSE RESOLUTION ONLY)

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1999

H

1

HOUSE RESOLUTION 1487

Sponsors: Representatives Setzer; and Barefoot.

Referred to: Rules, Calendar and Operations of the House.

June 21, 1999

1 A HOUSE RESOLUTION HONORING THE LIFE AND MEMORY OF JAMES
2 IREDELL FOR WHOM IREDELL COUNTY IS NAMED.

3 Whereas, James Iredell was born on October 5, 1751, at Lewes, Sussex,
4 England; and

5 Whereas, in 1768, James Iredell was appointed comptroller of customs at
6 Port Roanoke in Edenton, North Carolina, and after studying law also served as
7 deputy king's attorney for Hertford, Perquimans, and Tyrrell Counties; and

8 Whereas, James Iredell served as a superior court judge from 1777 to
9 1778, as Attorney General of North Carolina, from 1779 to 1781, as a delegate to the
10 Constitutional Convention of 1788, and as an associate justice of the United States
11 Supreme Court from 1790 to 1799; and

12 Whereas, James Iredell died in Edenton, North Carolina, in 1799; and

13 Whereas, Iredell County was formed in 1788 and named for James
14 Iredell; Now, therefore,

15 Be it resolved by the House of Representatives:

16 Section 1. The House of Representatives honors the life and memory of
17 James Iredell.

18 Section 2. The Principal Clerk shall transmit a certified copy of this
19 resolution to the Chair of the Iredell County Board of Commissioners and to the
20 Mayors of the Towns of Troutman and Mooresville.

21 Section 3. This resolution is effective upon adoption.

**1999 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES**

The following report(s) from standing committee(s) is/are presented:

By Representative(s) **Culpepper** for the Committee on **Rules, Calendar and operations of the House.**

Committee Substitute for

H.R. 1487 A HOUSE RESOLUTION HONORING THE LIFE AND MEMORY OF
JAMES IREDELL FOR WHOM IREDELL COUNTY IS NAMED.

With a favorable report.

With a favorable report and recommendation that the bill be re-referred to the Committee on
Appropriations Finance .

With a favorable report, as amended.

With a favorable report, as amended, and recommendation that the bill be re-referred to the
Committee on Appropriations Finance .

With a favorable report as to committee substitute bill (#), which changes the title,
unfavorable as to (original bill) (Committee Substitute Bill #), (and recommendation
that the committee substitute bill #) be re-referred to the Committee on .)

With a favorable report as to House committee substitute bill (#), which changes
the title, unfavorable as to Senate committee substitute bill.

With an unfavorable report.

With recommendation that the House concur.

With recommendation that the House do not concur.

With recommendation that the House do not concur; request conferees.

With recommendation that the House concur; committee believes bill to be material.

With an unfavorable report, with a Minority Report attached.

Without prejudice.

With an indefinite postponement report.

With an indefinite postponement report, with a Minority Report attached.

With recommendation that it be adopted. (HOUSE RESOLUTION ONLY)

2/24/99

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1999

S

1

SENATE BILL 302

Short Title: Lee Hunting Regulation.

(Local)

Sponsors: Senators Kinnaird; and Harris.

Referred to: State and Local Government.

March 9, 1999

1 A BILL TO BE ENTITLED

2 AN ACT TO REGULATE HUNTING IN LEE COUNTY.

3 The General Assembly of North Carolina enacts:

4 Section 1. It is unlawful for any person to hunt with a firearm, bow and
5 arrow, crossbow, or other deadly weapon while on the land of another unless the
6 person has, on his person, a paper writing dated and signed by the owner or lessee of
7 the land granting the person permission to hunt with a firearm, bow and arrow,
8 crossbow, or other deadly weapon while on the land. If the land is owned by or
9 leased to a club, the permission shall be signed by the club president or other chief
10 executive. If the land is owned by or leased to a corporation, the permission shall be
11 signed by the president or the vice-president of the corporation or the authorized
12 designee of the president or vice-president. Permission shall not be valid for a period
13 of more than one year, but may be valid for any shorter period stated in the
14 permission. The written permission shall be displayed upon request to any law
15 enforcement officer authorized to enforce this section.

16 Section 2. It is unlawful to hunt, take, or kill with a firearm, bow and
17 arrow, crossbow, or other deadly weapon or to attempt to hunt, take, or kill with any
18 such weapon any wild animal or wild bird on, from, or across the right-of-way of any
19 public road, street, highway, or thoroughfare.

20 Section 3. It is unlawful to discharge a firearm from, onto, across, or
21 down the right-of-way of any public road, street, highway, or thoroughfare.

22 Section 4. It is unlawful for any person to possess a loaded firearm on
23 the land of another while under the influence of an impairing substance. For
24 purposes of this section, a person is under the influence of an impairing substance

1 when the person has consumed a sufficient quantity of any impairing substance to
2 cause that person to lose normal control of the person's bodily or mental facilities, or
3 both, to such an extent that there is an appreciable impairment of either or both of
4 these facilities.

5 Section 5. Violation of the provisions of Sections 1 through 4 of this act
6 is punishable as a Class 3 misdemeanor. Notwithstanding the provisions of G.S. 15A-
7 1340.23, violation of those sections is punishable by a fine of up to three hundred
8 dollars (\$300.00).

9 Section 6. This act is enforceable by law enforcement officers of the
10 Wildlife Resources Commission, by sheriffs and deputy sheriffs, and by other peace
11 officers with general subject matter jurisdiction.

12 Section 7. This act applies only to Lee County.

13 Section 8. This act becomes effective October 1, 1999.

GENERAL ASSEMBLY OF NORTH CAROLINA MAR 29 1999

SESSION 1999

ADOPTED_D

S

SENATE BILL 333*
Proposed Committee Substitute S333-PCS3678-LB

Short Title: Equity in Appointments.

(Public)

Sponsors:

Referred to:

March 11, 1999

1 A BILL TO BE ENTITLED
2 AN ACT RELATING TO THE MEMBERSHIP OF STATUTORILY CREATED
3 DECISION-MAKING OR REGULATORY BOARDS, COMMISSIONS,
4 COUNCILS, AND COMMITTEES; PROVIDING INTENT; PROVIDING
5 POLICY WITH RESPECT TO THE APPOINTMENT OF MEMBERS TO SUCH
6 BODIES TO ENSURE PROPORTIONATE REPRESENTATION OF WOMEN;
7 REQUIRING ANNUAL REPORTS; AND REQUIRING RETENTION OF
8 CERTAIN INFORMATION REGARDING APPLICANTS.

9 The General Assembly of North Carolina enacts:

10 Section 1.(a) It is the intent of the General Assembly to recognize the
11 importance of balance in the appointment of both genders to membership on
12 statutorily created decision-making and regulatory boards, commissions, councils, and
13 committees, and to promote that balance through the provisions of this section.
14 Furthermore, the General Assembly recognizes that statutorily created decision-
15 making and regulatory boards, commissions, councils, and committees play a vital
16 role in shaping public policy for North Carolina, and the selection of well-qualified
17 candidates is the paramount obligation of the appointing authority.

18 Section 1.(b) In appointing members to any statutorily created decision-
19 making or regulatory board, commission, council, or committee of the State, the
20 appointing authority should select, from among the most qualified persons, those
21 persons whose appointment would ensure that the membership of the board,
22 commission, council, or committee accurately reflects the proportion that each gender
23 represents in the population of the State as a whole or, in the case of a local board,

1 commission, council, or committee, in the population of the area represented by the
2 board, commission, council, or committee, as determined pursuant to the most recent
3 federal decennial census, unless the law regulating such appointment requires
4 otherwise. If there are multiple appointing authorities for the board, commission,
5 council, or committee, they shall consult with each other to ensure compliance with
6 this section.

7 Section 1.(c) Each appointing authority described in subsection (b) shall
8 submit a report to the Secretary of State annually by December 1 which discloses the
9 number of appointments made during the preceding year from each gender and the
10 number of appointments of each gender made, expressed both in numerical terms
11 and as a percentage of the total membership of the board, commission, council, or
12 committee. A copy of the report shall be submitted to the Governor, the Speaker of
13 the House of Representatives, and the President Pro Tempore of the Senate. In
14 addition, each appointing authority shall designate a person responsible for retaining
15 all applications for appointment, who shall ensure that information describing each
16 applicant's gender and qualifications is available for public inspection during
17 reasonable hours. Nothing in this section requires disclosure of an applicant's
18 identity or of any other information made confidential by law.

19 Section 1.(d) This act applies to appointments and reappointments made
20 after the effective date of this act. It does not prohibit a member of a decision-
21 making or regulatory board, commission, council, or committee from completing a
22 term being served as such member when this act takes effect. A person appointed to
23 a decision-making or regulatory board, commission, council, or committee before the
24 effective date of this act may not be removed from office solely for the purpose of
25 meeting the requirements of this section.

26 Section 2. This act becomes effective June 1, 1999.

PLEASE PRESS HARD - 5 COPIES

NORTH CAROLINA GENERAL ASSEMBLY AMENDMENT

(Please type or use ballpoint pen)

EDITION No. 4th

H. B. No. _____

DATE _____

S. B. No. 333 - 4th ed.

Amendment No. _____

(to be filled in by
Principal Clerk)

COMMITTEE SUBSTITUTE _____

Rep.) _____

Sen.) _____

1 moves to amend the bill on page 2, line ~~30~~ 30

2 () WHICH CHANGES THE TITLE

3 by rewriting that line to read:

4 "Section 2. This act is effective when
5 it becomes law."

8 _____

9 _____

10 _____

11 _____

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18 _____

SIGNED *William B. Alexander*

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1999

SENATE
COMMITTEE SUBSTITUTE

S

APR 7 1999

D

SENATE BILL 333*

State and Local Government Committee Substitute Adopted 3/29/99
Proposed Committee Substitute S333-PCS1650-RF

ADOPTED

Short Title: Equity in Appointments.

(Public)

Sponsors:

Referred to:

March 11, 1999

1 A BILL TO BE ENTITLED
2 AN ACT RELATING TO THE MEMBERSHIP OF STATUTORILY CREATED
3 DECISION-MAKING OR REGULATORY BOARDS, COMMISSIONS,
4 COUNCILS, AND COMMITTEES; PROVIDING INTENT; PROVIDING
5 POLICY WITH RESPECT TO THE APPOINTMENT OF MEMBERS TO SUCH
6 BODIES TO ENCOURAGE PROPORTIONATE REPRESENTATION OF
7 WOMEN; REQUIRING ANNUAL REPORTS; AND REQUIRING RETENTION
8 OF CERTAIN INFORMATION REGARDING APPLICANTS.

9 The General Assembly of North Carolina enacts:

10 Section 1.(a) It is the intent of the General Assembly to recognize the
11 importance of balance in the appointment of both genders to membership on
12 statutorily created decision-making and regulatory boards, commissions, councils, and
13 committees, and to promote that balance through the provisions of this section.
14 Furthermore, the General Assembly recognizes that statutorily created decision-
15 making and regulatory boards, commissions, councils, and committees play a vital
16 role in shaping public policy for North Carolina, and the selection of well-qualified
17 candidates is the paramount obligation of the appointing authority.

18 Section 1.(b) In appointing members to any statutorily created decision-
19 making or regulatory board, commission, council, or committee of the State, the
20 appointing authority should select, from among the most qualified persons, those
21 persons whose appointment would promote membership on the board, commission,
22 council, or committee that accurately reflects the proportion that each gender

1 represents in the population of the State as a whole or, in the case of a local board,
2 commission, council, or committee, in the population of the area represented by the
3 board, commission, council, or committee, as determined pursuant to the most recent
4 federal decennial census, unless the law regulating such appointment requires
5 otherwise. If there are multiple appointing authorities for the board, commission,
6 council, or committee, they shall consult with each other to accomplish the purposes
7 of this section.

8 Section 1.(c) Each appointing authority described in subsection (b) shall
9 submit a report to the Secretary of State annually by December 1 which discloses the
10 number of appointments made during the preceding year from each gender and the
11 number of appointments of each gender made, expressed both in numerical terms
12 and as a percentage of the total membership of the board, commission, council, or
13 committee. A copy of the report shall be submitted to the Governor, the Speaker of
14 the House of Representatives, and the President Pro Tempore of the Senate. In
15 addition, each appointing authority shall designate a person responsible for retaining
16 all applications for appointment, who shall ensure that information describing each
17 applicant's gender and qualifications is available for public inspection during
18 reasonable hours. Nothing in this section requires disclosure of an applicant's
19 identity or of any other information made confidential by law.

20 Section 1.(d) This act applies to appointments and reappointments made
21 after the effective date of this act. It does not prohibit a member of a decision-
22 making or regulatory board, commission, council, or committee from completing a
23 term being served as such member when this act takes effect. A person appointed to
24 a decision-making or regulatory board, commission, council, or committee before the
25 effective date of this act may not be removed from office solely for the purpose of
26 meeting the requirements of this section.

27 Section 2. This act becomes effective June 1, 1999.

**1999 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES**

The following report(s) from standing committee(s) is/are presented:

By Representative(s) **Culpepper** for the Committee on **Rules, Calendar and Operations of the House.**

Committee Substitute for

S.B. 333 A BILL TO BE ENTITLED AN ACT RELATING TO THE MEMBERSHIP OF STATUTORILY CREATED DECISION-MAKING OR REGULATORY BOARDS, COMMISSIONS, COUNCILS, AND COMMITTEES; PROVIDING INTENT; PROVIDING POLICY WITH RESPECT TO THE APPOINTMENT OF MEMBERS TO SUCH BODIES TO ENCOURAGE PROPORTIONATE REPRESENTATION OF WOMEN; REQUIRING ANNUAL REPORTS; AND REQUIRING RETENTION OF CERTAIN INFORMATION REGARDING APPLICANTS.

- With a favorable report.
- With a favorable report and recommendation that the bill be re-referred to the Committee on Appropriations Finance .
- With a favorable report, as amended.
- With a favorable report, as amended, and recommendation that the bill be re-referred to the Committee on Appropriations Finance .
- With a favorable report as to committee substitute bill (#), which changes the title, unfavorable as to (original bill) (Committee Substitute Bill #), (and recommendation that the committee substitute bill #) be re-referred to the Committee on .)
- With a favorable report as to House committee substitute bill (#), which changes the title, unfavorable as to Senate committee substitute bill.
- With an unfavorable report.
- With recommendation that the House concur.
- With recommendation that the House do not concur.
- With recommendation that the House do not concur; request conferees.
- With recommendation that the House concur; committee believes bill to be material.
- With an unfavorable report, with a Minority Report attached.
- Without prejudice.
- With an indefinite postponement report.
- With an indefinite postponement report, with a Minority Report attached.
- With recommendation that it be adopted. (HOUSE RESOLUTION ONLY)

2/24/99

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1999

H

2

HOUSE BILL 815
Committee Substitute Favorable 4/23/99

Short Title: Left Turn on Red.

(Public)

Sponsors:

Referred to:

April 1, 1999

- 1 A BILL TO BE ENTITLED
2 AN ACT TO ALLOW LEFT TURNS ON RED IN CERTAIN SITUATIONS AND
3 TO APPROPRIATE FUNDS FOR SIGNAGE NECESSARY TO IMPLEMENT
4 THE ACT.
5 The General Assembly of North Carolina enacts:
6 Section 1. G.S. 20-158(b) reads as rewritten:
7 "(b) Control of Vehicles at Intersections. --
8 (1) When a stop sign has been erected or installed at an intersection, it
9 shall be unlawful for the driver of any vehicle to fail to stop in
10 obedience thereto and yield the right-of-way to vehicles operating
11 on the designated main-traveled or through highway. When stop
12 signs have been erected at three or more entrances to an
13 intersection, the driver, after stopping in obedience thereto, may
14 proceed with caution.
15 (2) Vehicles facing a red light controlling traffic passing straight
16 through an intersection from a steady or strobe beam stoplight
17 shall not enter the intersection while the steady or strobe beam
18 stoplight is emitting a red light controlling traffic passing straight
19 through an intersection; ~~provided that,~~ provided:
20 a. ~~except~~ Except where prohibited by an appropriate sign,
21 vehicular traffic facing a red light controlling traffic passing
22 straight through an intersection, after coming to a complete
23 stop at the intersection, may enter the intersection to make a

1 right turn but ~~sueh~~ the turning vehicle shall yield the
2 right-of-way to pedestrians and to other traffic using the
3 ~~intersection.~~ intersection; or

- 4 b. Except where prohibited by an appropriate sign, vehicular
5 traffic that is (i) in the leftmost lane of travel on a one-way
6 street, (ii) facing a red light, and (iii) at an intersection with
7 another one-way street with traffic travelling from the
8 turning driver's right to the turning driver's left may enter
9 the intersection and make a left turn into the extreme left-
10 hand lane lawfully available to traffic. The turning vehicle
11 shall come to a complete stop and shall yield the
12 right-of-way to pedestrians and to other traffic using the
13 intersection.

14 When the stoplight is emitting a steady yellow circular light on a
15 traffic signal controlling traffic passing straight through an
16 intersection or a steady yellow arrow light on a traffic signal
17 controlling traffic turning at an intersection, vehicles facing the
18 yellow light are warned that the related green light is being
19 terminated or a red light will be immediately forthcoming. When
20 the stoplight is emitting a steady green light, vehicles may proceed
21 with due care through the intersection subject to the rights of
22 pedestrians and other vehicles as may otherwise be provided by
23 law.

- 24 (3) When a flashing red light has been erected or installed at an
25 intersection, approaching vehicles facing the red light shall stop
26 and yield the right-of-way to vehicles in or approaching the
27 intersection. The right to proceed shall be subject to the rules
28 applicable to making a stop at a stop sign.
- 29 (4) When a flashing yellow light has been erected or installed at an
30 intersection, approaching vehicles facing the yellow flashing light
31 may proceed through the intersection with caution, yielding the
32 right-of-way to vehicles in or approaching the intersection.
- 33 (5) When a stop sign, stoplight, flashing light, or other traffic-control
34 device authorized by subsection (a) of this section requires a
35 vehicle to stop at an intersection, the driver shall stop at (i) an
36 appropriately marked stop line, or if none, (ii) before entering a
37 marked crosswalk, or if none, (iii) before entering the intersection
38 at the point nearest the intersecting street where the driver has a
39 view of approaching traffic on the intersecting street."

40 Section 2. There is appropriated from the Highway Fund to the
41 Department of Transportation the sum of ten thousand dollars (\$10,000) for the 1999-
42 2000 fiscal year for the signage necessary to implement Section 1 of this act.

43 Section 3. This act is effective when it becomes law.



NORTH CAROLINA GENERAL ASSEMBLY
AMENDMENT
House Bill 815

H815-ARN-001

AMENDMENT NO. _____
(to be filled in by
Principal Clerk)
Page 1 of ____

Date _____, 1999

Comm. Sub. [X]
Amends Title [X]
2nd Edition

Rep. _____

1
2 moves to amend the bill on page 1, line 3, by deleting the word
3 "APPROPRIATE" and inserting the word "ALLOCATE";
4
5 and on page 2, line 40 by rewriting that line to read:
6
7 "Section 2. There is allocated from the funds appropriated to
8 the"
9
10 and on page 2, line 43, by rewriting that line to read:
11
12 "Section 3. Section 1 of this act becomes effective January 1,
13 2000. The remainder of this act is effective July 1, 1999."
14
15

SIGNED _____
Amendment Sponsor

SIGNED _____
Committee Chair if Senate Committee Amendment

ADOPTED _____ FAILED _____ TABLED _____

**1999 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES**

The following report(s) from standing committee(s) is/are presented:

By Representative(s) **Culpepper** for the Committee on **Rules, Calendar and Operations of the House.**

- Committee Substitute for
H.B. 815 A BILL TO BE ENTITLED AN ACT TO ALLOW LEFT TURNS ON RED IN CERTAIN SITUATIONS AND TO APPROPRIATE FUNDS FOR SIGNAGE NECESSARY TO IMPLEMENT THE ACT.
- With a favorable report.
- With a favorable report and recommendation that the bill be re-referred to the Committee on Appropriations Finance .
- With a favorable report, as amended.
- With a favorable report, as amended, and recommendation that the bill be re-referred to the Committee on Appropriations Finance .
- With a favorable report as to committee substitute bill (#), which changes the title, unfavorable as to (original bill) (Committee Substitute Bill #), (and recommendation that the committee substitute bill #) be re-referred to the Committee on .)
- With a favorable report as to House committee substitute bill (#), which changes the title, unfavorable as to Senate committee substitute bill.
- With an unfavorable report.
- With recommendation that the House concur.
- With recommendation that the House do not concur.
- With recommendation that the House do not concur; request conferees.
- With recommendation that the House concur; committee believes bill to be material.
- With an unfavorable report, with a Minority Report attached.
- Without prejudice.
- With an indefinite postponement report.
- With an indefinite postponement report, with a Minority Report attached.
- With recommendation that it be adopted. (HOUSE RESOLUTION ONLY)

2/24/99

AGENDA

**HOUSE COMMITTEE ON RULES, CALENDAR AND
OPERATIONS OF THE HOUSE**

July 7, 1999

Room 421

1:15 PM

OPENING REMARKS

Representative Culpepper, Chairman

CONSIDERATION OF BILLS

ACTION TAKEN ON BILLS

ADJOURNMENT

MINUTES OF THE COMMITTEE ON RULES, CALENDAR AND OPERATIONS OF THE
HOUSE

July 7, 1999

The Committee on Rules, Calendar and Operations of the House met on July 7, 1999 at 1:15 p.m. in Room 421 of the Legislative Office Building. The following members were present: Representatives Culpepper, Chairman; Hackney, Vice Chairman; Crawford, Gibson, Gulley, Hill, Jarrell, Luebke, McCombs, McMahan, Nye, Tolson and Yongue.

The following bills were considered:

HOUSE RESOLUTION 1320-A HOUSE RESOLUTION HONORING THE ONE HUNDREDTH ANNIVERSARY OF THE TOWN OF MOUNT GILEAD sponsored by Representative Gibson who spoke on the bill. Following his presentation of the resolution, he moved that it be adopted. The motion carried.

COMMITTEE SUBSTITUTE FOR SENATE BILL 302-AN ACT TO REGULATE HUNTING IN LEE COUNTY. Senator Kinnaird introduced and explained the original bill. A proposed committee substitute changing the title to AN ACT TO REGULATE HUNTING IN LEE AND RUTHERFORD COUNTIES AND TO ESTABLISH SEASONS FOR HUNTING FOXES WITH WEAPONS AND WITH TRAPS IN CHOWAN COUNTY was offered, and Representative Gulley moved for its adoption for purposes of discussion. Without objection, it was so ordered. Representative Hill then sent forth an amendment and moved for its adoption. The motion carried. Representative Tolson moved that the amendment be incorporated into the proposed committee substitute, and that the proposed House committee substitute be given a favorable report, unfavorable as to the Senate committee substitute bill. The motion passed.

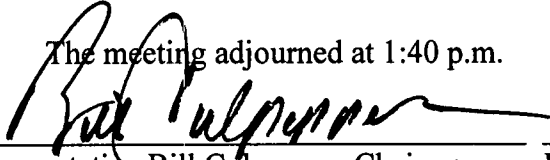
SENATE JOINT RESOLUTION 1169-A JOINT RESOLUTION HONORING THE MEMORY OF DR. DENISON OLMSTED, THE FIRST NORTH CAROLINA STATE GEOLOGIST ON THE ONE HUNDRED SEVENTY-FIFTH ANNIVERSARY OF THE NORTH CAROLINA GEOLOGICAL SURVEY. The chairman read comments prepared by Senator Lee, the bill sponsor. Representative Nye made a motion that the resolution be given a favorable report. The motion carried.

SENATE BILL 1018-AN ACT CONCERNING MARRIAGE LAWS introduced by Senator Dalton who spoke on the bill. Representative Luebke moved for adoption of a proposed committee substitute. The motion carried. He then moved that the House committee substitute be given a favorable report, unfavorable to the original bill. The motion carried.

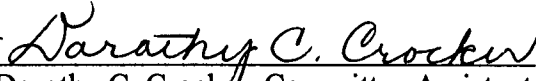
HOUSE BILL 1474-AN ACT TO AUTHORIZE COUNTIES TO EXEMPT FOOD FROM LOCAL SALES AND USE TAXES. Representative Allred, the bill sponsor, was recognized to explain the bill. He stated that the bill gives counties the option to eliminate local sales tax on food. Currently their only option is to eliminate all local sales tax, not just on certain items. Following discussion, Representative Luebke made a motion that the bill be reported without prejudice and re-referred to the Committee on Finance.

HOUSE BILL 1475-AN ACT TO REQUIRE UNITS OF LOCAL GOVERNMENT TO PUBLISH THE REVENUE-NEUTRAL PROPERTY TAX RATES IN THE YEARS WHEN THERE IS A GENERAL REVALUATION OF REAL PROPERTY. Representative Allred introduced the bill. There was discussion on the bill, but due to the lateness of the hour, there was no motion and no vote taken.

The meeting adjourned at 1:40 p.m.



Representative Bill Culpepper, Chairman



Dorothy C. Crocker, Committee Assistant

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1999

H

1

HOUSE RESOLUTION 1320*

Sponsors: Representatives Gibson; and Goodwin (Primary Sponsors).

Referred to: Rules, Calendar and Operations of the House.

April 22, 1999

1 A HOUSE RESOLUTION HONORING THE ONE HUNDREDTH
2 ANNIVERSARY OF THE TOWN OF MOUNT GILEAD.

3 Whereas, the Town of Mount Gilead was incorporated by the General
4 Assembly on February 22, 1899; and

5 Whereas, Mount Gilead was named for a mountain in the Bible; and

6 Whereas, Mount Gilead is known for products that include shoes, hosiery,
7 textiles, and apparel; and

8 Whereas, the citizens of Mount Gilead are dedicated to making their
9 Town one of the best places to live. They annually hold public events to provide
10 wholesome and fun family activities and entertainment; and

11 Whereas, in January of 1999, the Mount Gilead Museum was dedicated;
12 and

13 Whereas, the Mount Gilead Museum is housed in a one hundred-year-old
14 home and contains various items of historic significance to the Town; and

15 Whereas, there is tremendous community support for the Town's
16 centennial celebration, particularly by the Mount Gilead Spirit, a group of dedicated
17 citizens who have been involved in fund-raising and other activities to assist the
18 Town in preparing for its centennial celebration; Now, therefore,

19 Be it resolved by the House of Representatives:

20 Section 1. The North Carolina House of Representatives congratulates
21 the Town of Mount Gilead and joins the Town's citizens in celebrating the Town's
22 one hundredth anniversary.

23 Section 2. The Principal Clerk shall transmit a certified copy of this
24 resolution to the Mayor of the Town of Mount Gilead.

25 Section 3. This resolution is effective upon adoption.

**1999 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES**

The following report(s) from standing committee(s) is/are presented:

By Representative(s) **CULPEPPER** for the Committee on **RULES, CALENDAR AND OPERATIONS OF THE HOUSE.**

- Committee Substitute for
H.R. 1320 A HOUSE RESOLUTION HONORING THE ONE HUNDREDTH
ANNIVERSARY OF THE TOWN OF MOUNT GILEAD.

- With a favorable report.

- With a favorable report and recommendation that the bill be re-referred to the Committee on
Appropriations Finance . .

- With a favorable report, as amended.

- With a favorable report, as amended, and recommendation that the bill be re-referred to the
Committee on Appropriations Finance . .

- With a favorable report as to committee substitute bill (#), which changes the title,
unfavorable as to (original bill) (Committee Substitute Bill #), (and recommendation
that the committee substitute bill #) be re-referred to the Committee on .)

- With a favorable report as to House committee substitute bill (#), which changes
the title, unfavorable as to Senate committee substitute bill.

- With an unfavorable report.

- With recommendation that the House concur.

- With recommendation that the House do not concur.

- With recommendation that the House do not concur; request conferees.

- With recommendation that the House concur; committee believes bill to be material.

- With an unfavorable report, with a Minority Report attached.

- Without prejudice.

- With an indefinite postponement report.

- With an indefinite postponement report, with a Minority Report attached.

- With recommendation that it be adopted. (HOUSE RESOLUTION ONLY)

2/24/99

1 section shall not apply to law enforcement officers who discharge their firearms in the
2 lawful discharge of their duties.

3 Section 4. Violation of the provisions of Sections 1 through 3 of this act
4 is punishable as a Class 3 misdemeanor. Notwithstanding the provisions of G.S. 15A-
5 1340.23, violation of those sections is punishable by a fine of up to three hundred
6 dollars (\$300.00).

7 Section 5. This act is enforceable by law enforcement officers of the
8 Wildlife Resources Commission, by sheriffs and deputy sheriffs, and by other peace
9 officers with general subject matter jurisdiction.

10 Section 6. This act applies only to Lee County.

11 Section 7. This act becomes effective October 1, 1999.

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1999

S

D

SENATE BILL 302

State and Local Government Committee Substitute Adopted 4/5/99
Proposed House Committee Substitute S302-PCS4714-LL

Short Title: Lee Hunting/Chowan Fox Hunting.

(Local)

Sponsors:

Referred to:

March 9, 1999

1 A BILL TO BE ENTITLED

2 AN ACT TO REGULATE HUNTING IN LEE COUNTY AND TO ESTABLISH
3 SEASONS FOR HUNTING FOXES WITH WEAPONS AND WITH TRAPS IN
4 CHOWAN COUNTY.

5 The General Assembly of North Carolina enacts:

6 Section 1. It is unlawful for any person to hunt with a firearm, bow and
7 arrow or crossbow, or other deadly weapon while on the land of another unless the
8 person is a spouse, child, or grandchild of the landowner or has on his person a
9 paper writing dated and signed by the owner or lessee of the land granting the person
10 permission to hunt with a firearm, bow and arrow, crossbow, or other deadly weapon
11 while on the land. If the land is owned by or leased to a club, the permission shall
12 be signed by the club president or other chief executive. If the land is owned by or
13 leased to a corporation, the permission shall be signed by the president or the vice-
14 president of the corporation or the authorized designee of the president or vice-
15 president. Permission shall not be valid for a period of more than one year, but may
16 be valid for any shorter period stated in the permission. The written permission shall
17 be displayed upon request to any law enforcement officer authorized to enforce this
18 section.

19 Section 2. It is unlawful to hunt, take, or kill with a firearm, bow and
20 arrow, crossbow, or other deadly weapon or to attempt to hunt, take, or kill with any
21 such weapon any wild animal or wild bird on, from, or across the right-of-way of any
22 public road, street, highway, or thoroughfare.

1 Section 3. It is unlawful to discharge a firearm from, onto, across, or
2 down the right-of-way of any public road, street, highway, or thoroughfare. This
3 section shall not apply to law enforcement officers who discharge their firearms in the
4 lawful discharge of their duties.

5 Section 4. Violation of the provisions of Sections 1 through 3 of this act
6 is punishable as a Class 3 misdemeanor. Notwithstanding the provisions of G.S. 15A-
7 1340.23, violation of those sections is punishable by a fine of up to three hundred
8 dollars (\$300.00).

9 Section 5. This act is enforceable by law enforcement officers of the
10 Wildlife Resources Commission, by sheriffs and deputy sheriffs, and by other peace
11 officers with general subject matter jurisdiction.

12 Section 6. Section 5 of Chapter 128 of the 1989 Session Laws reads as
13 rewritten:

14 "Section 5. This act applies only to Gates ~~County~~ and Chowan Counties."

15 Section 7. Sections 1 through 5 of this act apply only to Lee County.
16 Section 6 of this act applies only to Chowan County.

17 Section 8. This act becomes effective October 1, 1999.

NORTH CAROLINA GENERAL ASSEMBLY AMENDMENT

(Please type or use ballpoint pen)

EDITION No. _____

H. B. No. _____

DATE _____

S. B. No. 302

Amendment No. _____

(to be filled in by
Principal Clerk)

COMMITTEE SUBSTITUTE _____

Rep.)

Sen.)

1 moves to amend the bill on page 1, line 2

2 () WHICH CHANGES THE TITLE

3 by deleting "LEE COUNTY" and inserting
4 "LEE AND RUTHERFORD COUNTIES"

5
6 and on page 2, line 15 by deleting
7 "Lee County" and inserting "Lee
8 and Rutherford Counties."

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18
19

SIGNED

Doug Hill

ADOPTED _____ FAILED _____ TABLED _____

**1999 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES**

The following report(s) from standing committee(s) is/are presented:

By Representative(s) **CULPEPPER** for the Committee on **RULES, CALENDAR AND OPERATIONS OF THE HOUSE.**

- Committee Substitute for
S.B. 302 A BILL TO BE ENTITLED AN ACT TO REGULATE HUNTING IN LEE COUNTY.
- With a favorable report.
- With a favorable report and recommendation that the bill be re-referred to the Committee on Appropriations Finance .
- With a favorable report, as amended.
- With a favorable report, as amended, and recommendation that the bill be re-referred to the Committee on Appropriations Finance .
- With a favorable report as to committee substitute bill (#), which changes the title, unfavorable as to (original bill) (Committee Substitute Bill #), (and recommendation that the committee substitute bill #) be re-referred to the Committee on .
- With a favorable report as to House committee substitute bill, which changes the title, unfavorable as to Senate committee substitute bill.
- With an unfavorable report.
- With recommendation that the House concur.
- With recommendation that the House do not concur.
- With recommendation that the House do not concur; request conferees.
- With recommendation that the House concur; committee believes bill to be material.
- With an unfavorable report, with a Minority Report attached.
- Without prejudice.
- With an indefinite postponement report.
- With an indefinite postponement report, with a Minority Report attached.
- With recommendation that it be adopted. (HOUSE RESOLUTION ONLY)

2/24/99

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1999

S

1

SENATE JOINT RESOLUTION 1169

Sponsors: Senator Lee.

Referred to: Rules and Operations of the Senate.

April 21, 1999

1 A JOINT RESOLUTION HONORING THE MEMORY OF DR. DENISON
2 OLMSTED, THE FIRST NORTH CAROLINA STATE GEOLOGIST ON THE
3 ONE HUNDRED SEVENTY-FIFTH ANNIVERSARY OF THE NORTH
4 CAROLINA GEOLOGICAL SURVEY.

5 Whereas, the North Carolina Geological Survey is the nation's oldest
6 geological survey, having been established by the General Assembly on December 31,
7 1823; and

8 Whereas, Dr. Denison Olmsted, as the first state geologist, produced the
9 first geologic map of a state in the nation in 1825, thereby producing the first state
10 geological survey; and

11 Whereas, the North Carolina Geological Survey serves the citizens of
12 North Carolina by examining the geology and mineral resources of the State; and

13 Whereas, the North Carolina Geological Survey administers cooperative
14 geologic and topographic mapping programs; and

15 Whereas, the North Carolina Geological Survey's mission is to provide
16 unbiased and technically accurate applied earth science scientific information to
17 address societal needs through geologic maps, mineral resources and geochemical
18 information, topographic maps, digital products, and earth science education
19 materials; and

20 Whereas, a strong state geological survey will be essential for continued
21 prosperity of the State and its citizens into the twenty-first century; and

22 Whereas, geology and the other earth sciences are fundamental to the
23 safety, health, and welfare of North Carolinians and to the State's economy; and

24 Whereas, knowledge of the State's geology and geologic processes is
25 essential for the proper understanding, protection, and management of the
26 environment, and for mitigation of natural hazards; and

1 Whereas, the earth sciences are integral to finding, developing, and
2 conserving the mineral, energy, and water resources needed for the continuing
3 prosperity of North Carolina; Now, therefore,

4 Be it resolved by the Senate, the House of Representatives concurring:

5 Section 1. The General Assembly honors the memory of Dr. Denison
6 Olmsted, and calls upon all North Carolinians to observe, celebrate, and participate
7 in events commemorating the 175th anniversary of the first geological survey of a
8 state authorized by a state legislature.

9 Section 2. This resolution is effective upon ratification.

**1999 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES**

The following report(s) from standing committee(s) is/are presented:

By Representative(s) **CULPEPPER** for the Committee on **RULES, CALENDAR AND OPERATIONS OF THE HOUSE.**

- Committee Substitute for
S.J.R. 1169 A JOINT RESOLUTION HONORING THE MEMORY OF DR. DENISON
OLMSTED, THE FIRST NORTH CAROLINA STATE GEOLOGIST ON THE ONE
HUNDRED SEVENTY-FIFTH ANNIVERSARY OF THE NORTH CAROLINA
GEOLOGICAL SURVEY.
- With a favorable report.
- With a favorable report and recommendation that the bill be re-referred to the Committee on
Appropriations Finance .
- With a favorable report, as amended.
- With a favorable report, as amended, and recommendation that the bill be re-referred to the
Committee on Appropriations Finance .
- With a favorable report as to committee substitute bill (#), which changes the title,
unfavorable as to (original bill) (Committee Substitute Bill #), (and recommendation
that the committee substitute bill #) be re-referred to the Committee on .)
- With a favorable report as to House committee substitute bill (#), which changes
the title, unfavorable as to Senate committee substitute bill.
- With an unfavorable report.
- With recommendation that the House concur.
- With recommendation that the House do not concur.
- With recommendation that the House do not concur; request conferees.
- With recommendation that the House concur; committee believes bill to be material.
- With an unfavorable report, with a Minority Report attached.
- Without prejudice.
- With an indefinite postponement report.
- With an indefinite postponement report, with a Minority Report attached.
- With recommendation that it be adopted. (HOUSE RESOLUTION ONLY)

2/24/99

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1999

S

1

SENATE BILL 1018

Short Title: Marriage Licenses and Study.

(Public)

Sponsors: Senators Dalton; and Phillips.

Referred to: Judiciary II.

April 15, 1999

1 A BILL TO BE ENTITLED
2 AN ACT CONCERNING MARRIAGE LAWS.
3 The General Assembly of North Carolina enacts:
4 Section 1. G.S. 51-8 reads as rewritten:
5 "**§ 51-8. License issued by register of deeds.**
6 Every register of deeds shall, upon proper application, issue a license for the
7 marriage of any two persons if it appears that such persons are authorized to be
8 married in accordance with the laws of this State. In making a determination as to
9 whether or not the parties are authorized to be married under the laws of this State,
10 the register of deeds may require the applicants for the license to marry to present
11 certified copies of birth certificates or birth registration cards provided for in G.S.
12 130-73, or such other evidence as the register of deeds deems necessary to such
13 determination. The register of deeds may administer an oath to any person
14 presenting evidence relating to whether or not parties applying for a marriage license
15 are eligible to be married pursuant to the laws of this State. Each applicant for a
16 marriage license shall provide on the application the applicant's social security
17 number. If an applicant does not have a social security number and is ineligible to
18 obtain one, the applicant shall present a statement to that effect, sworn to or affirmed
19 before an officer authorized to administer oaths. Upon presentation of a sworn or
20 affirmed statement, the register of deeds shall issue the license, provided all other
21 requirements are met, and retain the statement with the register's copy of the license.
22 The register of deeds shall not issue a marriage license unless all of the requirements
23 of this section have been met."

1 Section 2. The Legislative Research Commission may study Chapter 51
2 of the General Statutes. The study may address any of the following matters:

- 3 (1) The responsibilities of the register of deeds in determining whether
4 applicants are eligible for a marriage license.
5 (2) The issuance of marriage licenses to persons under 18 years of age,
6 including situations where the female applicant is pregnant or has
7 born a child.
8 (3) Persons authorized to give consent to marriage of underage
9 applicants.
10 (4) Persons authorized to solemnize marriages.
11 (5) The duration and geographical scope of a marriage license.
12 (6) The penalties for solemnizing a marriage without a license or with
13 an invalid license.
14 (7) Any other matters relating to marriages or marriage licenses in this
15 State.

16 The Legislative Research Commission may file an interim report with the
17 2000 Session of the General Assembly and shall file a final report with the 2001
18 Session of the General Assembly.

19 Section 3. This act is effective when it becomes law.

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1999

S

D

SENATE BILL 1018
Proposed House Committee Substitute S1018-PCS7705-RN

Short Title: Marriage Licenses.

(Public)

Sponsors:

Referred to:

April 15, 1999

A BILL TO BE ENTITLED

1 AN ACT CONCERNING MARRIAGE LAWS.

2 The General Assembly of North Carolina enacts:

3 Section 1. G.S. 51-8 reads as rewritten:

4 "§ 51-8. License issued by register of deeds.

5 Every register of deeds shall, upon proper application, issue a license for the
6 marriage of any two persons if it appears that such persons are authorized to be
7 married in accordance with the laws of this State. In making a determination as to
8 whether or not the parties are authorized to be married under the laws of this State,
9 the register of deeds may require the applicants for the license to marry to present
10 certified copies of birth certificates or birth registration cards provided for in G.S.
11 130-73, or such other evidence as the register of deeds deems necessary to such
12 determination. The register of deeds may administer an oath to any person
13 presenting evidence relating to whether or not parties applying for a marriage license
14 are eligible to be married pursuant to the laws of this State. Each applicant for a
15 marriage license shall provide on the application the applicant's social security
16 number. If an applicant does not have a social security number and is ineligible to
17 obtain one, the applicant shall present a statement to that effect, sworn to or affirmed
18 before an officer authorized to administer oaths. Upon presentation of a sworn or
19 affirmed statement, the register of deeds shall issue the license, provided all other
20 requirements are met, and retain the statement with the register's copy of the license.
21 The register of deeds shall not issue a marriage license unless all of the requirements
22 of this section have been met."
23

1

Section 2. This act is effective when it becomes law.

**1999 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES**

The following report(s) from standing committee(s) is/are presented:

By Representative(s) **CULPEPPER** for the Committee on **RULES, CALENDAR AND OPERATIONS OF THE HOUSE.**

- Committee Substitute for
S.B. 1018 A BILL TO BE ENTITLED AN ACT CONCERNING MARRIAGE LAWS.
- With a favorable report.
- With a favorable report and recommendation that the bill be re-referred to the Committee on Appropriations Finance .
- With a favorable report, as amended.
- With a favorable report, as amended, and recommendation that the bill be re-referred to the Committee on Appropriations Finance .
- With a favorable report as to ^{HOUSE}committee substitute bill, unfavorable as to original bill.
- With a favorable report as to House committee substitute bill (#), which changes the title, unfavorable as to Senate committee substitute bill.
- With an unfavorable report.
- With recommendation that the House concur.
- With recommendation that the House do not concur.
- With recommendation that the House do not concur; request conferees.
- With recommendation that the House concur; committee believes bill to be material.
- With an unfavorable report, with a Minority Report attached.
- Without prejudice.
- With an indefinite postponement report.
- With an indefinite postponement report, with a Minority Report attached.
- With recommendation that it be adopted. (HOUSE RESOLUTION ONLY)

2/24/99

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1999

H

1

HOUSE BILL 1474

Short Title: Local Option Food Tax Repeal.

(Public)

Sponsors: Representatives Allred; Decker, Cansler, Rayfield, Gillespie, and Womble.

Referred to: Rules, Calendar and Operations of the House.

May 13, 1999

A BILL TO BE ENTITLED

1 AN ACT TO AUTHORIZE COUNTIES TO EXEMPT FOOD FROM LOCAL
2 SALES AND USE TAXES.

3 The General Assembly of North Carolina enacts:

4 Section 1. G.S. 105-467 reads as rewritten:

5 "§ 105-467. Scope of sales tax.

6 (a) The sales tax that may be imposed under this Article is limited to a tax at the
7 rate of one percent (1%) of the following:

8 (1) The sales price of tangible personal property subject to the general
9 rate of sales tax imposed by the State under G.S. 105-164.4(a)(1)
10 and (a)(4b).

11 (2) The gross receipts derived from the lease or rental of tangible
12 personal property when the lease or rental of the property is
13 subject to the general rate of sales tax imposed by the State under
14 G.S. 105-164.4(a)(2).

15 (3) The gross receipts derived from the rental of any room or other
16 accommodations subject to the general rate of sales tax imposed by
17 the State under G.S. 105-164.4(a)(3).

18 (4) The gross receipts derived from services rendered by laundries, dry
19 cleaners, and other businesses subject to the general rate of sales
20 tax imposed by the State under G.S. 105-164.4(a)(4).

21 (5) The sales price of food that is not otherwise exempt from tax
22 pursuant to G.S. 105-164.13 or this section but would be exempt
23

1 from the State sales and use tax pursuant to G.S. 105-164.13 if it
2 were purchased under the Food Stamp Program, 7 U.S.C. § 51.

3 (b) The sales tax authorized by this Article does not apply to sales that are taxable
4 by the State under G.S. 105-164.4 but are not specifically included in this section.

5 (c) ~~The~~ Except as provided in subsection (d), the State exemptions and exclusions
6 contained in G.S. 105-164.13 and the State refund provisions contained in G.S. 105-
7 164.14 apply to the local sales and use tax authorized to be levied and imposed under
8 this Article. A taxing county may not allow an exemption, exclusion, or refund that is
9 not allowed under the State sales and use tax.

10 (d) A county may, by resolution, after not less than 10 days' public notice and
11 after a public hearing on the question, exempt from tax food that is exempt from the
12 State sales tax under G.S. 105-164.13B. A resolution exempting food applies to the
13 taxes imposed in this Article and to any other general sales and use taxes levied by
14 the county. A county may, by resolution, revoke an exemption for food adopted
15 under this subsection.

16 The effective date of a resolution adopted under this subsection must be the first
17 day of a calendar month and may not be earlier than the first day of the third
18 succeeding month after the date the resolution is adopted. Upon adopting a
19 resolution under this subsection, the county shall immediately deliver a certified copy
20 of the resolution to the Secretary.

21 (e) The local sales tax authorized to be imposed and levied under this Article
22 applies to taxable transactions by retailers whose place of business is located within
23 the taxing county. For the purpose of this Article, the situs of a transaction is the
24 location of the retailer's place of business."

25 Section 2. Section 4 of Chapter 1096 of the 1967 Session Laws, as
26 amended, is amended by adding a new paragraph to read:

27 "The county may, by resolution, after not less than 10 days' public notice and after
28 a public hearing on the question, exempt from tax food that is exempt from the State
29 sales tax under G.S. 105-164.13B. A resolution exempting food applies to the taxes
30 imposed in this Chapter and to any other general sales and use taxes levied by the
31 county. The county may, by resolution, revoke an exemption for food adopted under
32 this subsection.

33 The effective date of a resolution adopted under this subsection must be the first
34 day of a calendar month and may not be earlier than the first day of the third
35 succeeding month after the date the resolution is adopted. Upon adopting a
36 resolution under this subsection, the county shall immediately deliver a certified copy
37 of the resolution to the Secretary."

38 Section 3. This act is effective when it becomes law.

**1999 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES**

The following report(s) from standing committee(s) is/are presented:

By Representative(s) **CULPEPPER** for the Committee on **RULES, CALENDAR AND OPERATIONS OF THE HOUSE.**

- Committee Substitute for
H.B. 1474 A BILL TO BE ENTITLED AN ACT TO AUTHORIZE COUNTIES TO
EXEMPT FOOD FROM LOCAL SALES AND USE TAXES.
- With a favorable report.
- With a favorable report and recommendation that the bill be re-referred to the Committee on
Appropriations Finance .
- With a favorable report, as amended.
- With a favorable report, as amended, and recommendation that the bill be re-referred to the
Committee on Appropriations Finance .
- With a favorable report as to committee substitute bill (#), which changes the title,
unfavorable as to (original bill) (Committee Substitute Bill #), (and recommendation
that the committee substitute bill #) be re-referred to the Committee on .)
- With a favorable report as to House committee substitute bill (#), which changes
the title, unfavorable as to Senate committee substitute bill.
- With an unfavorable report.
- With recommendation that the House concur.
- With recommendation that the House do not concur.
- With recommendation that the House do not concur; request conferees.
- With recommendation that the House concur; committee believes bill to be material.
- With an unfavorable report, with a Minority Report attached.
- Without prejudice and recommendation that the bill be re-referred to the Committee on
Finance.
- With an indefinite postponement report.
- With an indefinite postponement report, with a Minority Report attached.
- With recommendation that it be adopted. (HOUSE RESOLUTION ONLY)

2/24/99

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1999

H

1

HOUSE BILL 1475

Short Title: Publish Revenue-Neutral Tax Rate.

(Public)

Sponsors: Representatives Allred; Decker, Cansler, Rayfield, and Gillespie.

Referred to: Rules, Calendar and Operations of the House.

May 13, 1999

A BILL TO BE ENTITLED

1
2 AN ACT TO REQUIRE UNITS OF LOCAL GOVERNMENT TO PUBLISH THE
3 REVENUE-NEUTRAL PROPERTY TAX RATES IN THE YEARS WHEN
4 THERE IS A GENERAL REVALUATION OF REAL PROPERTY.

5 The General Assembly of North Carolina enacts:

6 Section 1. G.S. 159-11 reads as rewritten:

7 "**§ 159-11. Preparation and submission of budget and budget message.**

8 (a) Upon receipt of the budget requests and revenue estimates and the financial
9 information supplied by the finance officer and department heads, the budget officer
10 shall prepare a budget for consideration by the governing board in such form and
11 detail as may have been prescribed by the budget officer or the governing board. The
12 budget shall comply in all respects with the limitations imposed by G.S. 159-13(b),
13 and unless the governing board ~~shall have~~ has authorized or requested submission of
14 an unbalanced budget as provided in subsection (c) of this section, the budget shall
15 be balanced.

16 (b) The budget, together with a budget message, shall be submitted to the
17 governing board not later than June 1. The budget and budget message should, but
18 need not, be submitted at a formal meeting of the board. The budget message should
19 contain a concise explanation of the governmental goals fixed by the budget for the
20 budget year, should explain important features of the activities anticipated in the
21 budget, should set forth the reasons for stated changes from the previous year in
22 program goals, programs, and appropriation levels, and should explain any major
23 changes in fiscal policy.

1 (c) The governing board may authorize or request the budget officer to submit a
2 budget containing recommended appropriations in excess of estimated revenues. If
3 this is done, the budget officer shall present the appropriations recommendations in a
4 manner that will reveal for the governing board the nature of the activities supported
5 by the expenditures that exceed estimated revenues.

6 (d) The budget officer shall include in the budget a proposed financial plan for
7 each intragovernmental service fund, as required by G.S. 159-13.1, and information
8 concerning capital projects and grant projects authorized or to be authorized by
9 project ordinances, as required by G.S. 159-13.2.

10 (e) In each year in which a general reappraisal of real property has been
11 conducted, the budget officer shall include in the budget, for comparison purposes, a
12 statement of the revenue-neutral property tax rate for the budget of the local
13 government unit and for the budgets of every other unit for which it collects taxes.
14 The revenue-neutral property tax rate is the rate that is estimated to produce revenue
15 for the next fiscal year equal to the revenue that was produced for the current fiscal
16 year."

17 Section 2. This act is effective when it becomes law.

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1999

S

D

SENATE BILL 1018
Proposed House Committee Substitute S1018-PCS7705-RN

Short Title: Marriage Licenses.

(Public)

Sponsors:

Referred to:

April 15, 1999

1 A BILL TO BE ENTITLED
2 AN ACT CONCERNING MARRIAGE LAWS.

3 The General Assembly of North Carolina enacts:

4 Section 1. G.S. 51-8 reads as rewritten:

5 "**§ 51-8. License issued by register of deeds.**

6 Every register of deeds shall, upon proper application, issue a license for the
7 marriage of any two persons if it appears that such persons are authorized to be
8 married in accordance with the laws of this State. In making a determination as to
9 whether or not the parties are authorized to be married under the laws of this State,
10 the register of deeds may require the applicants for the license to marry to present
11 certified copies of birth certificates or birth registration cards provided for in G.S.
12 130-73, or such other evidence as the register of deeds deems necessary to such
13 determination. The register of deeds may administer an oath to any person
14 presenting evidence relating to whether or not parties applying for a marriage license
15 are eligible to be married pursuant to the laws of this State. Each applicant for a
16 marriage license shall provide on the application the applicant's social security
17 number. If an applicant does not have a social security number and is ineligible to
18 obtain one, the applicant shall present a statement to that effect, sworn to or affirmed
19 before an officer authorized to administer oaths. Upon presentation of a sworn or
20 affirmed statement, the register of deeds shall issue the license, provided all other
21 requirements are met, and retain the statement with the register's copy of the license.
22 The register of deeds shall not issue a marriage license unless all of the requirements
23 of this section have been met."

1 Section 2. This act is effective when it becomes law.

AGENDA

**HOUSE COMMITTEE ON RULES, CALENDAR AND
OPERATIONS OF THE HOUSE**

**July 9, 1999
Room 421 LOB
11:10 AM**

OPENING REMARKS

Representative Culpepper, Chairman

CONSIDERATION OF BILLS

ACTION TAKEN ON BILLS

ADJOURNMENT

MINUTES OF COMMITTEE ON RULES, CALENDAR AND OPERATIONS OF THE HOUSE

July 9, 1999

The Committee on Rules, Calendar and Operations of the House met on July 9, 1999 at 11:10 a.m. in Room 421 of the Legislative Office Building. The following members were present; Representatives Culpepper, Chairman; Crawford, Gibson, Gulley, Nye and Yongue.

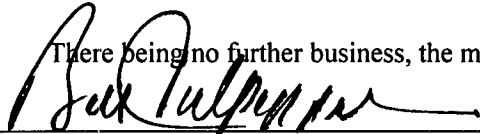
The following bills were considered:

SENATE BILL 419-AN ACT TO CLARIFY MOTOR VEHICLE DEALER TRANSFER RIGHTS and HOUSE COMMITTEE SUBSTITUTE FOR SENATE BILL 420-AN ACT TO CLARIFY THE DEALERS AND MANUFACTURERS LICENSING LAW. The chairman stated that the bills had been given favorable reports by the Judiciary III Committee and by error had been sent to the Rules Committee instead of being calendared. Therefore, Representative Yongue moved that the bills be reported without prejudice.


HOUSE COMMITTEE SUBSTITUTE FOR SENATE BILL 785-AN ACT TO AMEND THE LAW REGARDING THE INSPECTION AND REGULATION OF LIQUEFIED PETROLEUM GASES AND TO DIRECT THE LEGISLATIVE RESEARCH COMMISSION TO STUDY THE ADVISABILITY OF ALLOWING THE INSTALLATION OF UNVENTED GAS BURNING HEATING APPLIANCES IN MANUFACTURED AND MODULAR HOMES. A new proposed committee substitute which changes the title to AN ACT TO AMEND THE LAW REGARDING THE INSPECTION AND REGULATION OF LIQUEFIED PETROLEUM GASES was offered and Representative Gibson moved for its adoption, which motion carried. The chairman informed the committee that the proposed committee substitute removes the provision for a study committee from the original bill; that the bill would be included in one large study bill and that the substantive portions of the bill were not changed. Representative Nye moved that the new proposed House committee substitute be reported without prejudice, unfavorable to the original House committee substitute. The motion carried.

HOUSE COMMITTEE SUBSTITUTE #2 FOR SENATE BILL 233-AN ACT TO PROVIDE THAT ANY FUNDS ALLOCATED IN A SPECIFIC YEAR TO A TRANSPORTATION DIVISION AND UNDER OR OVER OBLIGATED SHALL BE ADDED TO THE NEXT YEAR'S ALLOCATION TO THE TRANSPORTATION DIVISION. A new proposed committee substitute was offered changing the title to AN ACT TO PROVIDE FOR THE TRANSMISSION AND FILING OF RIGHT-OF-WAY PLANS BY THE DEPARTMENT OF TRANSPORTATION AND TO PROVIDE THAT ANY FUNDS ALLOCATED IN A SPECIFIC YEAR TO A TRANSPORTATION DIVISION AND UNDER OR OVER OBLIGATED SHALL BE ADDED TO THE NEXT YEAR'S ALLOCATION TO THE TRANSPORTATION DIVISION. Representative Gulley moved for adoption of the new proposed House committee substitute for purposes of discussion. Without objection, it was so ordered. The chairman explained that the proposed committee substitute incorporates Senate Bill 238 into the bill being considered. Representative Crawford moved that the proposed committee substitute #3 be reported without prejudice, unfavorable to committee substitute #2. The motion carried.

There being no further business, the meeting adjourned at 11:30 p.m.



Representative Bill Culpepper, Chairman



Dorothy C. Crocker, Committee Assistant

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1999

S

1

SENATE BILL 419

Short Title: Clarify MV Dealer Transfer Rights.

(Public)

Sponsors: Senators Hoyle; Allran, Ballantine, Carpenter, Carter, Cochrane, Dalton, Dannelly, Forrester, Foxx, Garwood, Gulley, Hagan, Horton, Kerr, Lee, Martin of Pitt, Metcalf, Miller, Moore, Odom, Perdue, Phillips, Plyler, Purcell, Rand, Reeves, Robinson, Rucho, Soles, Warren, and Wellons.

Referred to: Commerce.

March 18, 1999

1 A BILL TO BE ENTITLED
2 AN ACT TO CLARIFY MOTOR VEHICLE DEALER TRANSFER RIGHTS.
3 The General Assembly of North Carolina enacts:
4 Section 1. G.S. 20-305(18) reads as rewritten:
5 "(18) To prevent or attempt to prevent a dealer from receiving fair and
6 reasonable compensation for the value of the franchised business
7 transferred in accordance with G.S. 20-305(4) ~~above~~: above, or to
8 prevent or attempt to prevent, through the exercise of any
9 contractual right of first refusal or otherwise, a dealer located in
10 this State from transferring the franchised business to such
11 persons or other entities as the dealer shall designate in
12 accordance with G.S. 20-305(4). The opinion or determination of
13 a manufacturer that the existence or location of one of its
14 franchised dealers situated in this State is not viable or is not
15 consistent with the manufacturer's distribution or marketing
16 forecast or plans shall not constitute a lawful basis for the
17 manufacturer to fail or refuse to approve a dealer's proposed
18 transfer of ownership submitted in accordance with G.S. 20-
19 305(4), or "good cause" for the termination, cancellation, or
20 nonrenewal of the franchise under G.S. 20-305(6) or for the
21 rejection of an owner's designated successor appointed pursuant

1 to G.S. 20-305(7). No manufacturer shall owe any duty to any
2 actual or potential purchaser of a motor vehicle franchise located
3 in this State to disclose to such actual or potential purchaser its
4 own opinion or determination that the franchise being sold or
5 otherwise transferred is not viable or is not consistent with the
6 manufacturer's distribution or marketing forecast or plans."

7 Section 2. This act is effective when it becomes law.

**1999 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES**

The following report(s) from standing committee(s) is/are presented:

By Representative(s) **Culpepper** for the Committee on **RULES, CALENDAR, &
OPERATIONS OF THE HOUSE.**

Committee Substitute for

S.B. 419 A BILL TO BE ENTITLED AN ACT TO CLARIFY MOTOR VEHICLE
DEALER TRANSFER RIGHTS.

With a favorable report.

With a favorable report and recommendation that the bill be re-referred to the Committee on
Appropriations Finance .

With a favorable report, as amended.

With a favorable report, as amended, and recommendation that the bill be re-referred to the
Committee on Appropriations Finance .

With a favorable report as to committee substitute bill (#), which changes the title,
unfavorable as to (original bill) (Committee Substitute Bill #), (and recommendation
that the committee substitute bill #) be re-referred to the Committee on .)

With a favorable report as to House committee substitute bill (#), which changes
the title, unfavorable as to Senate committee substitute bill.

With an unfavorable report.

With recommendation that the House concur.

With recommendation that the House do not concur.

With recommendation that the House do not concur; request conferees.

With recommendation that the House concur; committee believes bill to be material.

With an unfavorable report, with a Minority Report attached.

Without prejudice.

With an indefinite postponement report.

With an indefinite postponement report, with a Minority Report attached.

With recommendation that it be adopted. (HOUSE RESOLUTION ONLY)

2/24/99

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1999

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SENATE BILL 420

Commerce Committee Substitute Adopted 4/27/99

House Committee Substitute Favorable 7/7/99

Short Title: Clarify MV Dealers Licensing Law.

(Public)

Sponsors:

Referred to:

March 18, 1999

A BILL TO BE ENTITLED

1 AN ACT TO CLARIFY THE DEALERS AND MANUFACTURERS LICENSING
2 LAW.

3
4 The General Assembly of North Carolina enacts:

5 Section 1. G.S. 20-301 is amended by adding a new subsection that
6 reads:

7 "(f) In the event that a dealer, who is permitted or required to file a notice,
8 protest, or petition before the Commissioner within a certain period of time in order
9 to adjudicate, enforce, or protect rights afforded the dealer under this Article,
10 voluntarily elects to appeal a policy, determination, or decision of the manufacturer
11 through an appeals board or internal grievance procedure of the manufacturer, or to
12 participate in or refer the matter to mediation, arbitration, or other alternative
13 dispute resolution procedure or process established or endorsed by the manufacturer,
14 the applicable period of time for the dealer to file the notice, protest, or petition
15 before the Commissioner under this Article shall not commence until the
16 manufacturer's appeal board or internal grievance procedure, mediation, arbitration,
17 or appeals process of the manufacturer has been completed and the dealer has
18 received notice in writing of the final decision or result of the procedure or process.
19 Nothing, however, contained in this subsection shall be deemed to require that any
20 dealer exhaust any internal grievance or other alternative dispute process required or
21 established by the manufacturer before seeking redress from the Commissioner as
22 provided in this Article."

1 Section 2. G.S. 20-305 reads as rewritten:

2 **"§ 20-305. Coercing dealer to accept commodities not ordered; threatening to cancel**
3 **franchise; preventing transfer of ownership; granting additional franchises;**
4 **terminating franchises without good cause; preventing family succession.**

5 It shall be unlawful for any manufacturer, factory branch, distributor, or distributor
6 branch, or any field representative, officer, agent, or any representative whatsoever of
7 any of them:

- 8 (1) To require, coerce, or attempt to coerce any dealer to accept
9 delivery of any motor vehicle or vehicles, parts or accessories
10 therefor, or any other commodities, which shall not have been
11 ordered by ~~such dealer~~, that dealer, or to accept delivery of any
12 motor vehicle or vehicles which have been equipped in a manner
13 other than as specified by the dealer.
- 14 (2) To require, coerce, or attempt to coerce any dealer to enter into
15 any agreement with such manufacturer, factory branch, distributor,
16 or distributor branch, or representative thereof, or do any other act
17 unfair to such dealer, by threatening to cancel any franchise
18 existing between such manufacturer, factory branch, distributor,
19 distributor branch, or representative thereof, and such dealer;
- 20 (3) Unfairly without due regard to the equities of the dealer, and
21 without just provocation, to cancel the franchise of such dealer;
- 22 (4) Notwithstanding the terms of any franchise agreement, to prevent
23 or refuse to approve the sale or transfer of the ownership of a
24 dealership by the sale of the business, stock transfer, or otherwise,
25 or the transfer, sale or assignment of a dealer franchise, or a
26 change in the executive management or principal operator of the
27 dealership, or relocation of the dealership to another site within
28 the dealership's relevant market area, if the Commissioner has
29 determined, if requested in writing by the dealer within 30 days
30 after receipt of an objection to the proposed transfer, sale,
31 assignment, relocation, or change, and after a hearing on the
32 matter, that the failure to permit or honor the transfer, sale,
33 assignment, relocation, or change is unreasonable under the
34 circumstances. No franchise may be transferred, sold, assigned,
35 relocated, or the executive management or principal operators
36 changed, unless the franchisor has been given at least 30 days'
37 prior written notice as to the identity, financial ability, and
38 qualifications of the proposed transferee, the identity and
39 qualifications of the persons proposed to be involved in executive
40 management or as principal operators, and the location and site
41 plans of any proposed relocation. The franchisor shall send the
42 dealership notice of objection, by registered or certified mail,
43 return receipt requested, to the proposed transfer, sale, assignment,
44 relocation, or change within 30 days after receipt of notice from

1 the dealer, as provided in this section. Failure by the franchisor to
2 send notice of objection within 30 days shall constitute waiver by
3 the franchisor of any right to object to the proposed transfer, sale,
4 assignment, relocation, or change. ~~The manufacturer or distributor~~
5 ~~has the burden of proving that the proposed transfer, sale,~~
6 ~~assignment, relocation, or change is unreasonable under the~~
7 ~~circumstances.~~ With respect to a proposed transfer of ownership,
8 sale, or assignment, the sole issue for determination by the
9 Commissioner and the sole issue upon which the Commissioner
10 shall hear or consider evidence is whether, by reason of lack of
11 good moral character, lack of general business experience, or lack
12 of financial ability, the proposed transferee is unfit to own the
13 dealership. For purposes of this subdivision, the refusal by the
14 manufacturer to accept a proposed transferee who is of good moral
15 character and who otherwise meets the written, reasonable, and
16 uniformly applied business experience and financial requirements,
17 if any, required by the manufacturer of owners of its franchised
18 automobile dealerships is presumed to demonstrate the
19 manufacturer's failure to prove that the proposed transferee is unfit
20 to own the dealership. With respect to a proposed change in the
21 executive management or principal operator of the dealership, the
22 sole issue for determination by the Commissioner and the sole
23 issue on which the Commissioner shall hear or consider evidence
24 shall be whether, by reason of lack of training, lack of prior
25 experience, poor past performance, or poor character, the
26 proposed candidate for a position within the executive
27 management or as principal operator of the dealership is unfit for
28 the position. For purposes of this subdivision, the refusal by the
29 manufacturer to accept a proposed candidate for executive
30 management or as principal operator who is of good moral
31 character and who otherwise meets the written, reasonable, and
32 uniformly applied standards or qualifications, if any, of the
33 manufacturer relating to the business experience and prior
34 performance of executive management required by the
35 manufacturers of its dealers is presumed to demonstrate the
36 manufacturer's failure to prove the proposed candidate for
37 executive management or as principal operator is unfit to serve the
38 capacity. With respect to a proposed relocation or other proposed
39 change, the issue for determination by the Commissioner is
40 whether the proposed relocation or other change is unreasonable
41 under the circumstances. For purposes of this subdivision, the
42 refusal by the manufacturer to agree to a proposed relocation
43 which meets the written, reasonable, and uniformly applied
44 standards or criteria, if any, of the manufacturer relating to dealer

1 relocations is presumed to demonstrate that the manufacturer's
2 failure to prove the proposed relocation is unreasonable under the
3 circumstances. The manufacturer shall have the burden of proof
4 before the Commissioner under this subdivision. It is unlawful for
5 a manufacturer to, in any way, condition its approval of a proposed
6 transfer, sale, assignment, change in the dealer's executive
7 management or principal operator on the existing or proposed
8 dealer's willingness to construct a new facility, renovate the
9 existing facility, acquire or refrain from acquiring one or more
10 line-makes of vehicles, separate or divest one or more line-makes
11 of vehicle, or establish or maintain exclusive facilities, personnel,
12 or display space. It is unlawful for a manufacturer to, in any way,
13 condition its approval of a proposed relocation on the existing or
14 proposed dealer's willingness to acquire or refrain from acquiring
15 one or more line-makes of vehicles, separate or divest one or more
16 line-makes of vehicle, or establish or maintain exclusive facilities,
17 personnel, or display space.

18 (5) To enter into a franchise establishing an additional new motor
19 vehicle dealer or relocating an existing new motor vehicle dealer
20 into a relevant market area where the same line make is then
21 represented without first notifying in writing the Commissioner and
22 each new motor vehicle dealer in that line make in the relevant
23 market area of the intention to establish an additional dealer or to
24 relocate an existing dealer within or into that market area. Within
25 30 days of receiving such notice or within 30 days after the end of
26 any appeal procedure provided by the manufacturer, any new
27 motor vehicle dealer may file with the Commissioner a protest to
28 the establishing or relocating of the new motor vehicle dealer.
29 When a protest is filed, the Commissioner shall promptly inform
30 the manufacturer that a timely protest has been filed, and that the
31 manufacturer shall not establish or relocate the proposed new
32 motor vehicle dealer until the Commissioner has held a ~~hearing,~~
33 ~~nor thereafter, if the Commissioner~~ hearing and has determined
34 that there is good cause for ~~not~~ permitting the addition or
35 relocation of such new motor vehicle dealer.

36 a. This section does not apply:

- 37 1. To the relocation of an existing new motor vehicle
38 dealer within that dealer's relevant market area,
39 provided that the relocation not be at a site within 10
40 miles of a licensed new motor vehicle dealer for the
41 same line make of motor ~~vehicle;~~ vehicle. If this sub-
42 subdivision is applicable, only dealers trading in the
43 same line-make of vehicle that are located within the
44 10-mile radius shall be entitled to notice from the

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6. Whether the establishment of an additional new motor vehicle dealer or relocation of an existing new motor vehicle dealer in the relevant market area would increase competition in a manner such as to be in the long-term public interest; and
7. The effect on the relocating dealer of a denial of its relocation into the relevant market area.
- c. The Commissioner shall try to conduct the hearing and render his final determination if possible, within 180 days after a protest is filed.
- d. Any parties to a hearing by the Commissioner concerning the establishment or relocating of a new motor vehicle dealer shall have a right of review of the decision in a court of competent jurisdiction pursuant to Chapter 150B of the General Statutes.
- e. In a hearing involving a proposed additional dealership, the manufacturer or distributor has the burden of proof under this section. In a proceeding involving the relocation of an existing dealership, the dealer seeking to relocate has the burden of proof under this section.
- f. If the Commissioner determines, following a hearing, that good cause ~~does not exist for refusing to permit~~ exists for permitting the proposed additional or relocated motor vehicle dealership, the dealer seeking the proposed additional or relocated motor vehicle dealership must, within two years, obtain a license from the Commissioner for the sale of vehicles at the relevant site, and actually commence operations at the site selling new motor vehicles of all line makes, as permitted by the Commissioner. Failure to obtain a permit and commence sales within two years shall constitute waiver by the dealer of the dealer's right to the additional or relocated dealership, requiring renotification, a new hearing, and a new determination as provided in this section. If the Commissioner fails to determine that good cause exists for permitting the proposed additional or relocated motor vehicle dealership, the manufacturer seeking the proposed additional dealership or dealer seeking to relocate may not again provide notice of its intention or otherwise attempt to establish an additional dealership or relocate to any location within 10 miles of the site of the original proposed additional dealership or relocation site for a minimum of three years from the date of the Commissioner's determination.

1 g. (See editor's note for applicability) For purposes of this
2 subdivision, the addition, creation, or operation of a
3 "satellite" or other facility, not physically part of or
4 contiguous to an existing licensed new motor vehicle dealer,
5 whether or not owned or operated by a person or other
6 entity holding a franchise as defined by G.S. 20-286(8a), at
7 which warranty service work authorized or reimbursed by a
8 manufacturer is performed or at which new motor vehicles
9 are offered for sale to the public, shall be considered an
10 additional new motor vehicle dealer requiring a showing of
11 good cause, prior notification to existing new motor vehicle
12 dealers of the same line make of vehicle within the relevant
13 market area by the manufacturer and the opportunity for a
14 hearing before the Commissioner as provided in this
15 subdivision.

16 (6) Notwithstanding the terms, provisions or conditions of any
17 franchise or notwithstanding the terms or provisions of any waiver,
18 to terminate, cancel or fail to renew any franchise with a licensed
19 new motor vehicle dealer unless the manufacturer has satisfied the
20 notice requirements of subparagraph c. and the Commissioner has
21 determined, if requested in writing by the dealer within the time
22 period specified in G.S. 20-305(6)c1II, III or IV, as applicable, and
23 after a hearing on the matter, that there is good cause for the
24 termination, cancellation, or nonrenewal of the franchise and that
25 the manufacturer has acted in good faith as defined in this act
26 regarding the termination, cancellation or nonrenewal. When such
27 a petition is made to the Commissioner by a dealer for
28 determination as to the existence of good cause and good faith for
29 the termination, cancellation or nonrenewal of a franchise, the
30 Commissioner shall promptly inform the manufacturer that a
31 timely petition has been filed, and the franchise in question shall
32 continue in effect pending the Commissioner's decision. The
33 Commissioner shall try to conduct the hearing and render a final
34 determination within 180 days after a petition has been filed. If the
35 termination, cancellation or nonrenewal is pursuant to G.S. 20-
36 305(6)c1III then the Commissioner shall give the proceeding
37 priority consideration and shall try to render his final
38 determination no later than 90 days after the petition has been
39 filed. Any parties to a hearing by the Commissioner under this
40 section shall have a right of review of the decision in a court of
41 competent jurisdiction pursuant to Chapter 150B of the General
42 Statutes. Any determination of the Commissioner under this
43 section finding that good cause exists for the nonrenewal,
44 cancellation, or termination of any franchise shall automatically be

1 stayed during any period that the affected dealer shall have the
2 right to judicial review or appeal of the determination before the
3 superior court or any other appellate court and during the
4 pendency of any appeal; provided, however, that within 30 days of
5 entry of the Commissioner's order, the affected dealer provide
6 such security as the reviewing court, in its discretion, may deem
7 appropriate for payment of such costs and damages as may be
8 incurred or sustained by the manufacturer by reason of and during
9 the pendency of the stay. Although the right of the affected dealer
10 to such stay is automatic, the procedure for providing such security
11 and for the award of damages, if any, to the manufacturer upon
12 dissolution of the stay shall be in accordance with G.S. 1A-1, Rule
13 65(d) and (e). No such security provided by or on behalf of any
14 affected dealer shall be forfeited or damages awarded against a
15 dealer who obtains a stay under this subdivision in the event the
16 ownership of the affected dealership is subsequently transferred,
17 sold, or assigned to a third party in accordance with this
18 subdivision or subdivision (4) of this section and the closing on
19 such transfer, sale, or assignment occurs no later than 180 days
20 after the date of entry of the Commissioner's order. Furthermore,
21 unless and until the termination, cancellation, or nonrenewal of a
22 dealer's franchise shall finally become effective, in light of any stay
23 or any order of the Commissioner determining that good cause
24 exists for the termination, cancellation, or nonrenewal of a dealer's
25 franchise as provided in this paragraph, a dealer who receives a
26 notice of termination, cancellation, or nonrenewal from a
27 manufacturer as provided in this subdivision shall continue to have
28 the same rights to assign, sell, or transfer the franchise to a third
29 party under the franchise and as permitted under G.S. 20-305(4) as
30 if notice of the termination had not been given by the
31 manufacturer. Any franchise under notice or threat of termination,
32 cancellation, or nonrenewal by the manufacturer which is duly
33 transferred in accordance with G.S. 20-305(4) shall not be subject
34 to termination by reason of failure of performance or breaches of
35 the franchise on the part of the transferor.

36 a. Notwithstanding the terms, provisions or conditions of any
37 franchise or the terms or provisions of any waiver, good
38 cause shall exist for the purposes of a termination,
39 cancellation or nonrenewal when:

- 40 1. There is a failure by the new motor vehicle dealer to
41 comply with a provision of the franchise which
42 provision is both reasonable and of material
43 significance to the franchise relationship provided
44 that the dealer has been notified in writing of the

- 1 failure within 180 days after the manufacturer first
2 acquired knowledge of such failure;
- 3 2. If the failure by the new motor vehicle dealer relates
4 to the performance of the new motor vehicle dealer
5 in sales or service, then good cause shall be defined
6 as the failure of the new motor vehicle dealer to
7 comply with reasonable performance criteria
8 established by the manufacturer if the new motor
9 vehicle dealer was apprised by the manufacturer in
10 writing of the failure; and
- 11 I. The notification stated that notice was
12 provided of failure of performance pursuant to
13 this section;
- 14 II. The new motor vehicle dealer was afforded a
15 reasonable opportunity, for a period of not less
16 than 180 days, to comply with the criteria; and
- 17 III. The new motor vehicle dealer failed to
18 demonstrate substantial progress towards
19 compliance with the manufacturer's
20 performance criteria during such period and
21 the new motor vehicle dealer's failure was not
22 primarily due to economic or market factors
23 within the dealer's relevant market area which
24 were beyond the dealer's control.
- 25 b. The manufacturer shall have the burden of proof under this
26 section.
- 27 c. Notification of Termination, Cancellation and Nonrenewal.
- 28 --
- 29 1. Notwithstanding the terms, provisions or conditions of
30 any franchise prior to the termination, cancellation or
31 nonrenewal of any franchise, the manufacturer shall
32 furnish notification of termination, cancellation or
33 nonrenewal to the new motor vehicle dealer as
34 follows:
- 35 I. In the manner described in G.S. 20-305(6)c2
36 below; and
- 37 II. Not less than 90 days prior to the effective date
38 of such termination, cancellation or
39 nonrenewal; or
- 40 III. Not less than 15 days prior to the effective date
41 of such termination, cancellation or
42 nonrenewal with respect to any of the
43 following:

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- A. Insolvency of the new motor vehicle dealer, or filing of any petition by or against the new motor vehicle dealer under any bankruptcy or receivership law;
 - B. Failure of the new motor vehicle dealer to conduct its customary sales and service operations during its customary business hours for seven consecutive business days, except for acts of God or circumstances beyond the direct control of the new motor vehicle dealer;
 - C. Revocation of any license which the new motor vehicle dealer is required to have to operate a dealership;
 - D. Conviction of a felony involving moral turpitude, under the laws of this State or any other state, or territory, or the District of Columbia.
- IV. Not less than 180 days prior to the effective date of such termination or cancellation where the manufacturer or distributor is discontinuing the sale of the product line.
- V. Unless the failure by the new motor vehicle dealer relates to the performance of the new motor vehicle dealer in sales or service, not more than one year after the manufacturer first acquired knowledge of the basic facts comprising the failure.
- 2. Notification under this section shall be in writing; shall be by certified mail or personally delivered to the new motor vehicle dealer; and shall contain:
 - I. A statement of intention to terminate, cancel or not to renew the franchise;
 - II. A detailed statement of all of the material reasons for the termination, cancellation or nonrenewal; and
 - III. The date on which the termination, cancellation or nonrenewal takes effect.
 - 3. Notification provided in G.S. 20-305(6)c1II of 90 days prior to the effective date of such termination, cancellation or renewal may run concurrent with the 180 days designated in G.S. 20-305(6)a2II provided the notification is clearly designated by a separate

- 1 written document mailed by certified mail or
2 personally delivered to the new motor vehicle dealer.
- 3 d. Payments. --
- 4 1. Upon the termination, nonrenewal or cancellation of
5 any franchise by the manufacturer or distributor,
6 pursuant to this section, the new motor vehicle dealer
7 shall be allowed fair and reasonable compensation by
8 the manufacturer for the:
- 9 I. New motor vehicle inventory that has been
10 acquired from the manufacturer within 18
11 months, at a price not to exceed the original
12 manufacturer's price to the dealer, and which
13 has not been altered or damaged, and which
14 has not been driven more than 200 miles, and
15 for which no certificate of title has been issued;
- 16 II. Unused, undamaged and unsold supplies and
17 parts purchased from the manufacturer, at a
18 price not to exceed the original manufacturer's
19 price to the dealer, provided such supplies and
20 parts are currently offered for sale by the
21 manufacturer or distributor in its current parts
22 catalogs and are in salable condition;
- 23 III. ~~Equipment~~ Equipment, signs, and furnishings
24 that have not been altered or damaged and that
25 have been required by the manufacturer or
26 distributor to be purchased by the new motor
27 vehicle dealer from the manufacturer or
28 distributor, or their approved sources; and
- 29 IV. Special tools that have not been altered or
30 damaged and that have been required by the
31 manufacturer or distributor to be purchased by
32 the new motor vehicle dealer from the
33 manufacturer or distributor, or their approved
34 sources within five years immediately
35 preceding the termination, nonrenewal or
36 cancellation of the franchise.
- 37 2. Fair and reasonable compensation for the above shall
38 be paid by the manufacturer within 90 days of the
39 effective date of termination, cancellation or
40 nonrenewal, provided the new motor vehicle dealer
41 has clear title to the inventory and has conveyed title
42 and possession of the same to the manufacturer. The
43 manufacturer shall be obligated to pay or reimburse
44 the dealer for any transportation charges associated

1 with the manufacturer's repurchase obligations under
2 this sub-subparagraph. The manufacturer may not
3 charge the dealer any handling, restocking, or other
4 similar costs or fees associated with items repurchased
5 by the manufacturer under this sub-subparagraph.

6 e. Dealership Facilities Assistance upon Termination,
7 Cancellation or Nonrenewal. --

8 In the event of the termination, cancellation or
9 nonrenewal by the manufacturer or distributor under this
10 section, except termination, cancellation or nonrenewal for
11 insolvency, license revocation, conviction of a crime
12 involving moral turpitude, or fraud by a dealer-owner:

- 13 1. Subject to paragraph 3, if the new motor vehicle
14 dealer is leasing the dealership facilities from a lessor
15 other than the manufacturer, the manufacturer shall
16 pay the new motor vehicle dealer a sum equivalent to
17 the rent for the unexpired term of the lease or ~~one~~
18 three year's rent, whichever is less, or such longer
19 term as is provided in the franchise agreement
20 between the dealer and manufacturer; except that, in
21 the case of motorcycle dealerships, the manufacturer
22 shall pay the new motor vehicle dealer the sum
23 equivalent to the rent for the unexpired term of the
24 lease or one year's rent, whichever is less, or such
25 longer term as provided in the franchise agreement
26 between the dealer and manufacturer; or
- 27 2. Subject to paragraph 3, if the new motor vehicle
28 dealer owns the dealership facilities, the manufacturer
29 shall pay the new motor vehicle dealer a sum
30 equivalent to the reasonable rental value of the
31 dealership facilities for ~~one year.~~ three years, or for
32 one year in the case of motorcycle dealerships.
- 33 3. ~~Provided nothing in this paragraph c. shall relieve a~~
34 ~~lessee or owner, as the case may be, from the~~
35 ~~obligation to mitigate damages under the lease, nor~~
36 ~~prevent a manufacturer from occupying and using the~~
37 ~~dealership facilities while paying rent under~~
38 ~~subsections 1 and 2, nor prevent a manufacturer from~~
39 ~~obligations by negotiating a lease termination, a~~
40 ~~sublease or a new lease. Any amounts recovered by~~
41 ~~the lessee or owner resulting from mitigation of~~
42 ~~damages shall be deducted from the amount due from~~
43 ~~the manufacturer.~~

1 In order to be entitled to facilities assistance from the
2 manufacturer, as provided in this paragraph e., the
3 dealer, owner, or lessee, as the case may be, shall
4 have the obligation to mitigate damages by listing the
5 demised premises for lease or sublease with a licensed
6 real estate agent within 30 days after the effective
7 date of the termination of the franchise and thereafter
8 by reasonably cooperating with said real estate agent
9 in the performance of the agent's duties and
10 responsibilities. In the event that the dealer, owner, or
11 lessee is able to lease or sublease the demised
12 premises, the dealer shall be obligated to pay the
13 manufacturer the net revenue received from such
14 mitigation up to the total amount of facilities
15 assistance which the dealer has received from the
16 manufacturer pursuant to sub-subdivisions 1. and 2.
17 To the extent and for such uses and purposes as may
18 be consistent with the terms of the lease, a
19 manufacturer who pays facilities assistance to a dealer
20 under this paragraph e. shall be entitled to occupy
21 and use the dealership facilities during the years for
22 which the manufacturer shall have paid rent under
23 sub-subdivisions 1. and 2.

24 4. In the event the termination relates to fewer than all
25 of the franchises operated by the dealer at a single
26 location, the amount of facilities assistance which the
27 manufacturer is required to pay the dealer under this
28 sub-subdivision shall be based on the proportion of
29 gross revenue received from the sale and lease of new
30 vehicles by the dealer and from the dealer's parts and
31 service operations during the three years immediately
32 preceding the effective date of the termination (or
33 any shorter period that the dealer may have held
34 these franchises) of the line-makes being terminated,
35 in relation to the gross revenue received from the sale
36 and lease of all line-makes of new vehicles by the
37 dealer and from the total of the dealer's and parts
38 and service operations from this location during the
39 same three-year period.

40 5. The compensation required for facilities assistance
41 under this paragraph e. shall be paid by the
42 manufacturer within 90 days of the effective date of
43 termination, cancellation, or nonrenewal.

1 f. The provisions of ~~paragraphs~~ sub-subdivisions d. and e.
2 above shall not be applicable when the termination,
3 nonrenewal or cancellation of the franchise agreement is the
4 result of the voluntary act of the dealer.

5 Notwithstanding the terms of any contract or agreement,
6 any dealer's termination or resignation shall not be deemed
7 to be voluntary if that termination or resignation occurred
8 under the manufacturer's threat of nonrenewal, cancellation,
9 or termination of the franchise.

10 (7) Notwithstanding the terms of any contract or agreement, to prevent
11 or refuse to honor the succession to a dealership, including the
12 franchise, by a motor vehicle dealer's designated successor as
13 provided for under this subsection.

14 a. Any owner of a new motor vehicle dealership may appoint
15 by will, or any other written instrument, a designated
16 successor to succeed in the respective ownership interest or
17 interest as principal operator of the ~~said~~ owner in the new
18 motor vehicle dealership, including the franchise, upon the
19 death or incapacity of the ~~owner.~~ owner or principal
20 operator. In order for succession to the position of principal
21 operator to occur by operation of law in accordance with
22 sub-subdivision c. below, the owner's choice of a successor
23 must be approved by the dealer, in accordance with the
24 dealer's bylaws, if applicable, either prior or subsequent to
25 the death or incapacity of the existing principal operator.

26 b. Any objections by a manufacturer or distributor to an
27 owner's appointment of a designated successor shall be
28 asserted in accordance with the following procedure:

29 1. Within 30 days after receiving written notice of the
30 identity of the owner's designated successor and
31 general information as to the financial ability and
32 qualifications of the designated successor, the
33 franchisor shall send the owner and designated
34 successor notice of objection, by registered or
35 certified mail, return receipt requested, to the
36 appointment of the designated successor. The notice
37 of objection shall state in detail all facts which
38 constitute the basis for the contention on the part of
39 the manufacturer or distributor that good cause, as
40 defined in this sub-subdivision below, exists for
41 rejection of the designated successor. Failure by the
42 franchisor to send notice of objection within 30 days
43 and otherwise as provided in this sub-subdivision
44 shall constitute waiver by the franchisor of any right

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to object to the appointment of the designated successor.

2. Any time within 30 days of receipt of the manufacturer's notice of objection the owner or the designated successor may file a request in writing with the Commissioner that the Commissioner hold an evidentiary hearing and determine whether good cause exists for rejection of the designated successor. When such a request is filed, the Commissioner shall promptly inform the affected manufacturer or distributor that a timely request has been filed.
3. The Commissioner shall endeavor to hold the evidentiary hearing required under this sub-subdivision and render a determination within 180 days after receipt of the written request from the owner or designated successor. In determining whether good cause exists for rejection of the owner's appointed designated successor, the manufacturer or distributor has the burden of proving that the designated successor is a person who is not of good moral character or does not meet the franchisor's existing written and reasonable standards and, considering the volume of sales and service of the new motor vehicle dealer, uniformly applied minimum business experience standards in the market area.
4. Any parties to a hearing by the Commissioner concerning whether good cause exists for the rejection of the dealer's designated successor shall have a right of review of the decision in a court of competent jurisdiction pursuant to Chapter 150B of the General Statutes.
5. Nothing in this sub-subdivision shall preclude a manufacturer or distributor from, upon its receipt of written notice from ~~a dealer~~ an owner of the identity of the ~~dealer's~~ owner's designated successor, requiring that the designated successor promptly provide personal and financial data that is reasonably necessary to determine the financial ability and qualifications of the designated successor; provided, however, that such a request for additional information shall not delay any of the time periods or constraints contained herein.

1 6. In the event death or incapacity of the owner or
2 principal operator occurs prior to the time a
3 manufacturer or distributor receives notice of the
4 owner's appointment of a designated successor or
5 before the Commissioner has rendered a
6 determination as provided above, the existing
7 franchise shall remain in effect and the designated
8 successor shall be deemed to have succeeded to all of
9 the owner's or principal operator's rights and
10 obligations in the dealership and under the franchise
11 until a determination is made by the Commissioner or
12 the rights of the parties have otherwise become fixed
13 in accordance with this sub-subdivision.

14 c. Except as otherwise provided in sub-subdivision d. of this
15 subdivision, any designated successor of a deceased or
16 incapacitated owner or principal operator of a new motor
17 vehicle dealership appointed by such owner in substantial
18 compliance with this section shall, by operation of law,
19 succeed at the time of such death or incapacity to all of the
20 ~~ownership~~ rights and obligations of the owner or principal
21 operator in the new motor vehicle dealership and under the
22 existing franchise.

23 d. Within 60 days after the death or incapacity of the ~~owner,~~
24 owner or principal operator, a designated successor
25 appointed in substantial compliance with this section shall
26 give the affected manufacturer or distributor written notice
27 of his or her succession to the ~~ownership~~ position of owner
28 or principal operator of the new motor vehicle dealership;
29 provided, however, that the failure of the designated
30 successor to give the manufacturer or distributor written
31 notice as provided above within 60 days of the ~~owner's~~
32 death or incapacity of the owner or principal operator shall
33 not result in the waiver or termination of the designated
34 successor's right to succeed to the ownership of the new
35 motor vehicle dealership unless the manufacturer or
36 distributor gives written notice of this provision to either the
37 designated successor or the deceased or incapacitated
38 owner's executor, administrator, guardian or other fiduciary
39 by certified or registered mail, return receipt requested, and
40 said written notice grants not less than 30 days time within
41 which the designated successor may give the notice required
42 hereunder, provided the designated successor or the
43 deceased or incapacitated owner's executor, administrator,
44 guardian or other fiduciary has given the manufacturer

1 reasonable notice of death or incapacity. Within 30 days of
2 receipt of the notice by the manufacturer or distributor from
3 the designated successor provided in this paragraph, the
4 manufacturer or distributor may request that the designated
5 successor complete the application forms generally utilized
6 by the manufacturer or distributor to review the designated
7 successor's qualifications to establish a successor dealership.
8 Within 30 days of receipt of the completed forms, the
9 manufacturer or distributor shall send a letter by certified or
10 registered mail, return receipt requested, advising the
11 designated successor of facts and circumstances which have
12 changed since the manufacturer's or distributor's original
13 approval of the designated successor, and which have caused
14 the manufacturer or distributor to object to the designated
15 successor. Upon receipt of such notice, the designated
16 successor may either designate an alternative successor or
17 may file a request for evidentiary hearing in accordance
18 with the procedures provided in sub-subdivisions b. 2.-5. of
19 this subdivision. In any such hearing, the manufacturer or
20 distributor shall be limited to facts and circumstances which
21 did not exist at the time the designated successor was
22 originally approved or evidence which was originally
23 requested to be produced by the designated successor at the
24 time of the original request and was ~~either not produced or~~
25 ~~the material which was produced was incorrect. fraudulent.~~

26 e. The designated successor shall agree to be bound by all
27 terms and conditions of the franchise in effect between the
28 manufacturer or distributor and the owner at the time of the
29 owner's or principal operator's death or incapacity, if so
30 requested in writing by the manufacturer or distributor
31 subsequent to the owner's or principal operator's death or
32 incapacity.

33 f. This section does not preclude an owner of a new motor
34 vehicle dealership from designating any person as his or her
35 successor by written instrument filed with the manufacturer
36 or distributor, and, in the event there is an inconsistency
37 between the successor named in such written instrument and
38 the designated successor otherwise appointed by the owner
39 consistent with the provisions of this section, and that
40 written instrument has not been revoked by the owner of
41 the new motor vehicle dealership in writing to the
42 manufacturer or distributor, then the written instrument
43 filed with the manufacturer or distributor shall govern as to
44 the appointment of the successor.

- 1 (8) To require, coerce, or attempt to coerce any new motor vehicle
2 dealer in this State to order or accept delivery of any new motor
3 vehicle with special features, accessories or equipment not
4 included in the list price of ~~such~~ those motor vehicles as publicly
5 advertised by the manufacturer or distributor.
- 6 (9) To require, coerce, or attempt to coerce any new motor vehicle
7 dealer in this State to purchase nondiagnostic computer equipment
8 or programs, to participate monetarily in an advertising campaign
9 or contest, or to purchase unnecessary or unreasonable quantities
10 of any promotional materials, training materials, training programs,
11 showroom or other display ~~decorations or materials~~ decorations,
12 materials, computer equipment or programs, or special tools at the
13 expense of the new motor vehicle dealer, provided that nothing in
14 this subsection shall preclude a manufacturer or distributor from
15 including an unitemized uniform charge in the base price of the
16 new motor vehicle charged to the dealer where such charge is
17 attributable to advertising costs incurred or to be incurred by the
18 manufacturer or distributor in the ordinary courses of its business.
- 19 (10) To require, coerce, or attempt to coerce any new motor vehicle
20 dealer in this State to change the capital structure of the new
21 motor vehicle dealer or the means by or through which the new
22 motor vehicle dealer finances the operation of the dealership
23 provided that the new motor vehicle dealer at all times meets any
24 reasonable capital standards determined by the manufacturer in
25 accordance with uniformly applied criteria; and also provided that
26 no change in the capital structure shall cause a change in the
27 principal management or have the effect of a sale of the franchise
28 without the consent of the manufacturer or distributor, provided
29 that said consent shall not be unreasonably withheld.
- 30 (11) To require, coerce, or attempt to coerce any new motor vehicle
31 dealer in this State to refrain from participation in the management
32 of, investment in, or the acquisition of any other line of new motor
33 vehicle or related products; Provided, however, that this subsection
34 does not apply unless the new motor vehicle dealer maintains a
35 reasonable line of credit for each make or line of new motor
36 vehicle, and the new motor vehicle dealer remains in compliance
37 with any reasonable capital standards and facilities requirements of
38 the manufacturer. The reasonable facilities requirements shall not
39 include any requirement that a new motor vehicle dealer establish
40 or maintain exclusive facilities, personnel, or display ~~space, when~~
41 ~~such requirements, or any of them, would be unreasonable in light~~
42 ~~of current economic conditions and would not otherwise be~~
43 ~~justified by reasonable business considerations.~~ space.

- 1 (12) To require, coerce, or attempt to coerce any new motor vehicle
2 dealer in this State to change location of the dealership; or to make
3 any substantial alterations to the dealership premises or facilities,
4 when to do so would be unreasonable, or without written
5 assurance of a sufficient supply of new motor vehicles so as to
6 justify such an expansion, in light of the current market and
7 economic conditions.
- 8 (13) To require, coerce, or attempt to coerce any new motor vehicle
9 dealer in this State to prospectively assent to a release, assignment,
10 novation, waiver or estoppel which would relieve any person from
11 liability to be imposed by this law or to require any controversy
12 between a new motor vehicle dealer and a manufacturer,
13 distributor, or representative, to be referred to any person other
14 than the duly constituted courts of the State or the United States of
15 America, or to the Commissioner, if such referral would be
16 binding upon the new motor vehicle dealer.
- 17 (14) To delay, refuse, or fail to deliver motor vehicles or motor vehicle
18 parts or accessories in reasonable quantities relative to the new
19 motor vehicle dealer's facilities and sales potential in the new
20 motor vehicle dealer's relevant market area, and area as
21 determined in accordance with reasonably applied economic
22 principles, or within a reasonable time, after receipt of an order
23 from a dealer having a franchise for the retail sale of any new
24 motor vehicle sold or distributed by the manufacturer or
25 distributor, any new vehicle, parts or accessories to new vehicles as
26 are covered by such franchise, and such vehicles, parts or
27 accessories as are publicly advertised as being available or actually
28 being delivered. The delivery to another dealer of a motor vehicle
29 of the same model and similarly equipped as the vehicle ordered
30 by a motor vehicle dealer who has not received delivery thereof,
31 but who has placed his written order for the vehicle prior to the
32 order of the dealer receiving the vehicle, shall be evidence of a
33 delayed delivery of, or refusal to deliver, a new motor vehicle to a
34 motor vehicle dealer within a reasonable time, without cause.
35 Except as may be required by any consent decree of the
36 Commissioner or other order of the Commissioner or court of
37 competent jurisdiction, each manufacturer shall allocate its
38 products in a manner that provides each of its franchised dealers in
39 this State an adequate supply of vehicles by series, product line,
40 and model to achieve the manufacturer's minimum sales
41 requirements, planning volume, or sales objectives and that is fair
42 and equitable to all of its franchised dealers in this State.
43 Additionally, each manufacturer shall make available to each of its
44 franchised dealers in this State a minimum of one of each vehicle

1 series, model, or product line that the manufacturer advertises
2 nationally as being available for purchase. A manufacturer shall
3 not unfairly discriminate among its franchised dealers in this
4 allocation process. This subsection is not violated, however, if such
5 failure is caused by acts or causes beyond the control of the
6 manufacturer, distributor, factory branch, or factory representative.

7 (15) To refuse to disclose to any new motor vehicle dealer, handling the
8 same line make, the manner and mode of distribution of that line
9 make within the State.

10 (16) To award money, goods, services, or any other benefit to any new
11 motor vehicle dealership employee, either directly or indirectly,
12 unless such benefit is promptly accounted for, and transmitted to,
13 or approved by, the new motor vehicle dealer.

14 (17) To increase prices of new motor vehicles which the new motor
15 vehicle dealer had ordered and which the manufacturer or
16 distributor has accepted for immediate delivery for private retail
17 consumers prior to the new motor vehicle dealer's receipt of the
18 written official price increase notification. A sales contract signed
19 by a private retail consumer shall constitute evidence of each such
20 order provided that the vehicle is in fact delivered to that
21 customer. Price differences applicable to new model or series shall
22 not be considered a price increase or price decrease. Price changes
23 caused by either: (i) the addition to a new motor vehicle of
24 required or optional equipment; or (ii) revaluation of the United
25 States dollar, in the case of foreign-make vehicles or components;
26 or (iii) an increase in transportation charges due to increased rates
27 imposed by carriers; or (iv) new tariffs or duties imposed by the
28 United States of America or any other governmental authority,
29 shall not be subject to the provisions of this subsection.

30 (18) To prevent or attempt to prevent a dealer from receiving fair and
31 reasonable compensation for the value of the franchised business
32 transferred in accordance with G.S. 20-305(4) above.

33 (19) To offer any refunds or other types of inducements to any person
34 for the purchase of new motor vehicles of a certain line make to be
35 sold to the State or any political subdivision thereof without
36 making the same offer available upon request to all other new
37 motor vehicle dealers in the same line make within the State.

38 (20) To release to any outside party, except under subpoena or as
39 otherwise required by law or in an administrative, judicial or
40 arbitration proceeding involving the manufacturer or new motor
41 vehicle dealer, any confidential business, financial, or personal
42 information which may be from time to time provided by the new
43 motor vehicle dealer to the manufacturer, without the express
44 written consent of the new motor vehicle dealer.

- 1 (21) To deny any new motor vehicle dealer the right of free association
2 with any other new motor vehicle dealer for any lawful purpose.
- 3 (22) To unfairly discriminate among its new motor vehicle dealers with
4 respect to warranty reimbursements or authority granted its new
5 motor vehicle dealers to make warranty adjustments with retail
6 customers.
- 7 (23) To engage in any predatory practice against or unfairly compete
8 with a new motor vehicle dealer located in this State.
- 9 (24) To terminate any franchise solely because of the death or
10 incapacity of an owner who is not listed in the franchise as one on
11 whose expertise and abilities the manufacturer relied in the
12 granting of the franchise.
- 13 (25) To require, coerce, or attempt to coerce a new motor vehicle
14 dealer in this State to either establish or maintain exclusive
15 facilities, personnel, or display ~~space, when such requirements, or~~
16 ~~any of them, would be unreasonable in light of current economic~~
17 ~~conditions and would not otherwise be justified by reasonable~~
18 ~~business considerations.~~ space.
- 19 (26) To resort to or to use any false or misleading advertisement in the
20 conducting of its business as a manufacturer or distributor in this
21 State.
- 22 (27) To knowingly make, either directly or through any agent or
23 employee, any material statement which is false or misleading ~~and~~
24 or conceal any material facts which induces induce any new motor
25 vehicle dealer to enter into any agreement or franchise or to take
26 any action which is materially prejudicial to that new motor
27 vehicle dealer or his business.
- 28 (28) To require, coerce, or attempt to coerce any new motor vehicle
29 dealer to purchase or order any new motor vehicle as a
30 precondition to purchasing, ordering, or receiving any other new
31 motor vehicle or vehicles. Nothing herein shall prevent a
32 manufacturer from requiring that a new motor vehicle dealer fairly
33 represent and inventory the full line of new motor vehicles which
34 are covered by the franchise agreement.
- 35 (29) To require, coerce, or attempt to coerce any new motor vehicle
36 dealer to sell, transfer, or otherwise issue stock or other ownership
37 interest in the dealership corporation to a general manager or any
38 other person involved in the management of the dealership other
39 than the dealer principal or dealer operator named in the
40 franchise, unless the dealer principal or dealer operator is an
41 absentee owner who is not involved in the operation of the
42 dealership on a regular basis.
- 43 (30) To vary the price charged to any of its franchised new motor
44 vehicle dealers located in this State for new motor vehicles based

1 on the dealer's purchase of new facilities, supplies, tools,
2 equipment, or other merchandise from the manufacturer, the
3 dealer's relocation, remodeling, repair, or renovation of existing
4 dealerships or construction of a new facility or upon the dealer's
5 participation in training programs sponsored, endorsed, or
6 recommended by the manufacturer.

7 The price of the vehicle, for purposes of this subdivision shall
8 include the manufacturer's use of rebates, credits, or other
9 consideration which has the effect of causing a variance in the
10 price of new motor vehicles offered to its franchised dealers
11 located in the State.

12 Notwithstanding the foregoing, nothing in this subdivision shall
13 be deemed to preclude a manufacturer from establishing sales
14 contests or promotions which provide or award dealers or
15 consumers rebates or incentives.

16 Nothing contained in this subdivision shall prohibit a
17 manufacturer from providing assistance or encouragement to a
18 franchised dealer to remodel, renovate, recondition, or relocate the
19 dealer's existing facilities, provided that this assistance,
20 encouragement, or rewards are not determined on a per vehicle
21 basis.

22 In the event that at the time of the ratification of this act a
23 manufacturer is currently operating a program or has in effect a
24 policy which would violate this subdivision after the effective date
25 of this act, it shall be lawful for that program or ~~policy~~ policy, or a
26 program or policy similar thereto implemented after the effective
27 date of this act, to continue in effect as to the manufacturer's
28 franchised dealers located in this State until ~~December 31, 1999.~~
29 December 31, 2002. Any manufacturer shall be required to pay or
30 otherwise compensate any franchise dealer who has earned the
31 right to receive payment or other compensation under a program
32 ~~as of December 31, 1999,~~ in accordance with the manufacturer's
33 program or policy.

34 (31) Notwithstanding the terms of any contract, franchise, agreement,
35 release, or waiver, to require that in any civil or administrative
36 proceeding in which a new motor vehicle dealer asserts any claims,
37 rights, or defenses arising under this Article or under the franchise,
38 that the dealer or any nonprevailing party compensate the
39 manufacturer or prevailing party for any court costs, attorneys'
40 fees, or other expenses incurred in the litigation.

41 (32) To require that any of its franchised new motor vehicle dealers
42 located in this State pay any extra fee, purchase unreasonable or
43 unnecessary quantities of advertising displays or other materials, or
44 remodel, renovate, or recondition the dealers' existing facilities in

1 order to receive any particular model or series of vehicles
2 manufactured or distributed by the manufacturer for which the
3 dealers have a valid franchise. Notwithstanding the foregoing,
4 nothing contained in this subdivision shall be deemed to prohibit
5 or prevent a manufacturer from requiring that its franchised
6 dealers located in this State purchase special tools or equipment,
7 stock reasonable quantities of certain parts, or participate in
8 training programs which are reasonably necessary for those dealers
9 to sell or service any model or series of vehicles.

10 (33) To fail to reimburse a dealer located in this State in full for the
11 actual cost of providing a loaner vehicle to any customer who is
12 having a vehicle serviced at the dealership if the provision of such
13 a loaner vehicle is required by the manufacturer.

14 (34) To require, coerce, or attempt to coerce any new motor vehicle
15 dealer in this State to participate monetarily in any training
16 program whose subject matter is not expressly limited to specific
17 information necessary to sell or service the models of vehicles the
18 dealer is authorized to sell or service under the dealer's franchise
19 with that manufacturer. Examples of training programs with
20 respect to which a manufacturer is prohibited from requiring the
21 dealer's monetary participation include, but are not limited to,
22 those which purport to teach morale-boosting employee
23 motivation, teamwork, or general principles of customer relations.
24 A manufacturer is further prohibited from requiring the personal
25 attendance of an owner or dealer principal of any dealership
26 located in this State at any meeting or training program at which it
27 is reasonably possible for another member of the dealer's
28 management to attend and later relate the subject matter of the
29 meeting or training program to the dealership's owners or
30 principal operator.

31 (35) Notwithstanding the terms of any franchise, agreement, waiver or
32 novation, to limit the number of franchises of the same line make
33 of vehicle that any franchised motor vehicle dealer, including its
34 parent(s), subsidiaries, and affiliates, if any, may own or operate or
35 attach any restrictions or conditions on the ownership or operation
36 of multiple franchises of the same line make of motor vehicle
37 without making the same limitations, conditions, and restrictions
38 applicable to all of its other franchisees.

39 (36) With regard to any manufacturer, factory branch, distributor,
40 distributor branch, or subsidiary thereof that owns and operates a
41 new motor vehicle dealership, directly or indirectly through any
42 subsidiary or affiliated entity as provided in G.S. 20-305.2, to
43 unreasonably discriminate against any other new motor vehicle
44 dealer in the same line make in any matter governed by the motor

1 vehicle franchise, including the sale or allocation of vehicles or
2 other manufacturer or distributor products, or the execution of
3 dealer programs for benefits.

4 (37) Subdivisions (11) and (25) of this section shall not apply to any
5 manufacturer, manufacturer branch, distributor, distributor branch,
6 or any affiliate or subsidiary thereof of new motor vehicles which
7 manufactures or distributes exclusively new motor vehicles with a
8 gross weight rating of 8,500 pounds or more, provided that the
9 following conditions are met: (i) the manufacturer has, as of
10 November 1, 1996, an agreement in effect with at least three of its
11 franchised dealers within the State, and which agreement was, in
12 fact, being enforced by the manufacturer, requiring the dealers to
13 maintain separate and exclusive facilities for the vehicles it
14 manufactures or distributes; and (ii) there existed at least seven
15 dealerships (locations) of that manufacturer within the State as of
16 January 1, 1999."

17 Section 3. G.S. 20-305.1(b) reads as rewritten:

18 "(b) Notwithstanding the terms of any franchise agreement, it is unlawful for any
19 motor vehicle manufacturer, factory branch, distributor, or distributor branch to fail
20 to perform any of its warranty obligations with respect to a motor vehicle, to fail to
21 compensate its motor vehicle dealers licensed in this State for warranty parts other
22 than parts used to repair the living facilities of recreational vehicles, at the prevailing
23 retail rate according to the factors in subsection (a) of this section, or, in service in
24 accordance with the schedule of compensation provided the dealer pursuant to
25 subsection (a) above, and to fail to indemnify and hold harmless its franchised dealers
26 licensed in this State against any judgment for damages or settlements agreed to by
27 the manufacturer, including, but not limited to, court costs and reasonable attorneys'
28 fees of the motor vehicle dealer, arising out of complaints, claims or lawsuits
29 including, but not limited to, strict liability, negligence, misrepresentation, express or
30 implied warranty, or rescission or revocation of acceptance of the sale of a motor
31 vehicle as defined in G.S. 25-2-608, to the extent that the judgment or settlement
32 relates to the alleged defective negligent manufacture, assembly or design of new
33 motor vehicles, parts or accessories or other functions by the manufacturer, factory
34 branch, distributor or distributor branch, beyond the control of the dealer. Any audit
35 for warranty parts or service compensation shall only be for the 12-month period
36 immediately following the date of the payment of the claim by the manufacturer,
37 factory branch, distributor, or distributor branch. Any audit for sales incentives,
38 service incentives, rebates, or other forms of incentive compensation shall only be for
39 the ~~24-month~~ 12-month period immediately following the date of the ~~payment of the~~
40 ~~claim by the manufacturer, factory branch, distributor, or distributor branch.~~
41 termination of the sales incentives program, service incentives program, rebate
42 program, or other form of incentive compensation program. Provided, however, these
43 limitations shall not be effective in the case of fraudulent claims."

1 Section 3.1. G.S. 20-305.1 is amended by adding a new subsection to
2 read:

3 "(b2) A manufacturer may not deny a motor vehicle dealer's claim for sales
4 incentives, service incentives, rebates, or other forms of incentive compensation,
5 reduce the amount to be paid to the dealer, or charge a dealer back subsequent to
6 the payment of the claim unless it can be shown that the claim was false or
7 fraudulent or that the dealer failed to reasonably substantiate the claim either in
8 accordance with the manufacturer's written procedures or by other reasonable
9 means."

10 Section 4. G.S. 20-305.1(c) reads as rewritten:

11 "(c) In the event there is a dispute between the manufacturer, factory branch,
12 distributor, or distributor branch, and the dealer with respect to any matter referred
13 to in ~~subsections~~ subsection (a), (b), ~~(b1), (b2),~~ or (d) of this section, either party may
14 petition the Commissioner in writing, within 30 days after either party has given
15 written notice of the dispute to the other, for a hearing on the subject and the
16 decision of the Commissioner shall be binding on the parties, subject to rights of
17 judicial review and appeal as provided in Chapter 150B of the General Statutes;
18 provided, however, that nothing contained herein shall give the Commissioner any
19 authority as to the content of any manufacturer's or distributor's warranty. Upon the
20 filing of a petition before the Commissioner under this subsection, any chargeback to
21 or any payment required of a dealer by a manufacturer relating to warranty parts or
22 service compensation, or to sales incentives, service incentives, rebates, or other forms
23 of incentive compensation, shall be stayed during the pendency of the determination
24 by the Commissioner."

25 Section 5. G.S. 20-305.2 reads as rewritten:

26 "**§ 20-305.2. Unfair methods of competition.**

27 (a) It is unlawful for any motor vehicle manufacturer, factory branch, distributor,
28 distributor branch, or subsidiary thereof, to directly or indirectly through any
29 subsidiary or affiliated entity, own, own any ownership interest in, operate, or control
30 any motor vehicle dealership in a relevant market area of this State already served by
31 a motor vehicle dealer under a franchise for the same line make from such
32 manufacturer, factory branch, distributor, or distributor branch, or subsidiary, in this
33 State, provided that this section shall not be construed to prohibit prohibit: (i)

34 (1) the operation by a manufacturer, factory branch,
35 distributor, distributor branch, or subsidiary thereof, of a
36 dealership for a temporary period (not to exceed one year) during
37 the transition from one owner or operator to ~~another,~~ another; or
38 (ii)

39 (2) the ownership or control of a dealership by a manufacturer,
40 factory branch, distributor, distributor branch, or subsidiary
41 thereof, ~~during a period while such dealership is being sold under~~
42 ~~a bona fide contract or purchase option to the operator of the~~
43 ~~dealership, while in a bona fide relationship with an economically~~
44 disadvantaged or other independent person, other than a

1 manufacturer, factory branch, distributor, distributor branch, or an
2 agent or affiliate thereof, who has made a bona fide,
3 unencumbered initial investment of at least six percent (6%) of the
4 total sales price that is subject to loss in the dealership and who
5 can reasonably expect to acquire full ownership of the dealership
6 within a reasonable period of time, not to exceed 12 years, and on
7 reasonable terms and conditions; or (iii)

8 (3) the ownership, operation or control of a dealership by a
9 manufacturer, factory branch, distributor, distributor branch, or
10 subsidiary thereof, if such manufacturer, factory branch,
11 distributor, distributor branch, or subsidiary has been engaged in
12 the retail sale of motor vehicles through such dealership for a
13 continuous period of three years prior to March 16, 1973, and if
14 the Commissioner determines, after a hearing on the matter at the
15 request of any party, that there is no independent dealer available
16 in the relevant market area to own and operate the franchise in a
17 manner consistent with the public ~~interest~~; interest; or (iv)

18 (4) the ownership, operation, or control of a dealership by a
19 manufacturer, factory branch, distributor, distributor branch, or
20 subsidiary thereof, if the Commissioner determines after a hearing
21 on the matter at the request of any party, that there is no
22 independent dealer available in the relevant market area to own
23 and operate the franchise in a manner consistent with the public
24 ~~interest~~; interest; or

25 (5) the ownership, operation, or control of any facility (location) of a
26 new motor vehicle dealer in this State at which the dealer sells
27 only new and used motor vehicles with a gross weight rating of
28 8,500 pounds or more, provided that both of the following
29 conditions have been met:

30 a. the facility is located within 35 miles of manufacturing or
31 assembling facilities existing as of January 1, 1999, and is
32 owned or operated by the manufacturer, manufacturing
33 branch, distributor, distributor branch, or any affiliate or
34 subsidiary thereof which assembles, manufactures, or
35 distributes new motor vehicles with a gross weight rating of
36 8,500 pounds or more by such dealer at said location; and

37 b. the facility is located in the largest Standard Metropolitan
38 Statistical Area (SMSA) in the State; or

39 (6) as to any line make of motor vehicle for which there is in
40 aggregate no more than 13 franchised new motor vehicle dealers
41 (locations) licensed and in operation within the State as of January
42 1, 1999, the ownership, operation, or control of one or more new
43 motor vehicle dealership trading solely in such line make of
44 vehicle by the manufacturer, factory branch, distributor, distributor

1 branch, or subsidiary or affiliate thereof, provided however, that all
2 of the following conditions are met:

3 a. the manufacturer, factory branch, distributor, distributor
4 branch, or subsidiary or affiliate thereof does not own
5 directly or indirectly, in aggregate, in excess of forty-five
6 percent (45%) interest in the dealership;

7 b. at the time the manufacturer, factory branch, distributor,
8 distributor branch, or subsidiary or affiliate thereof first
9 acquires ownership or assumes operation or control with
10 respect to any such dealership, the distance between the
11 dealership thus owned, operated, or controlled and the
12 nearest other new motor vehicle dealership trading in the
13 same line make of vehicle, is no less than 35 miles;

14 c. all the manufacturer's franchise agreements confer rights on
15 the dealer of the line make to develop and operate within a
16 defined geographic territory or area, as many dealership
17 facilities as the dealer and manufacturer shall agree are
18 appropriate; and

19 d. that as of July 1, 1999, not fewer than half of the dealers of
20 the line make within the State own and operate two or more
21 dealership facilities in the geographic territory or area
22 covered by the franchise agreement with the manufacturer.

23 (b) ~~Provided, this~~ This section shall not apply to manufacturers or distributors of
24 trailers trailers, motor homes, or semitrailers."

25 Section 6. This act becomes effective October 1, 1999.

**1999 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES**

The following report(s) from standing committee(s) is/are presented:

By Representative(s) **Culpepper** for the Committee on **RULES, CALENDAR, &
OPERATIONS OF THE HOUSE.**

House Committee Substitute for

S.B. 420 A BILL TO BE ENTITLED AN ACT TO CLARIFY THE DEALERS AND
MANUFACTURERS LICENSING LAW.

With a favorable report.

With a favorable report and recommendation that the bill be re-referred to the Committee on
Appropriations Finance .

With a favorable report, as amended.

With a favorable report, as amended, and recommendation that the bill be re-referred to the
Committee on Appropriations Finance .

With a favorable report as to committee substitute bill (#), which changes the title,
unfavorable as to (original bill) (Committee Substitute Bill #), (and recommendation
that the committee substitute bill #) be re-referred to the Committee on .)

With a favorable report as to House committee substitute bill (#), which changes
the title, unfavorable as to Senate committee substitute bill.

With an unfavorable report.

With recommendation that the House concur.

With recommendation that the House do not concur.

With recommendation that the House do not concur; request conferees.

With recommendation that the House concur; committee believes bill to be material.

With an unfavorable report, with a Minority Report attached.

Without prejudice.

With an indefinite postponement report.

With an indefinite postponement report, with a Minority Report attached.

With recommendation that it be adopted. (HOUSE RESOLUTION ONLY)

2/24/99

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 1999

S

2

SENATE BILL 785
House Committee Substitute Favorable 7/7/99

Short Title: Regulation of LP Gas.

(Public)

Sponsors:

Referred to:

April 7, 1999

1 A BILL TO BE ENTITLED
2 AN ACT TO AMEND THE LAW REGARDING THE INSPECTION AND
3 REGULATION OF LIQUEFIED PETROLEUM GASES AND TO DIRECT THE
4 LEGISLATIVE RESEARCH COMMISSION TO STUDY THE ADVISABILITY
5 OF ALLOWING THE INSTALLATION OF UNVENTED GAS BURNING
6 HEATING APPLIANCES IN MANUFACTURED AND MODULAR HOMES.

7 The General Assembly of North Carolina enacts:

8 Section 1. G.S. 119-58 reads as rewritten:

9 "§ 119-58. Unlawful acts.

10 (a) It shall be an unlawful act for any person to:

- 11 (1) Sell any liquefied petroleum gas burning appliance designed or
12 built for domestic use ~~which that~~ has not been approved by the
13 American Gas Association, Inc., the Underwriters Laboratory, Inc.,
14 or other laboratory approved by the ~~Commissioner of Agriculture;~~
15 Building Code Council.
- 16 (2) ~~Install any unvented space heating appliance in a manufactured~~
17 ~~home as defined in G.S. 143-145(7);~~
- 18 (3) ~~Install any unvented space heating appliance in a sleeping room~~
19 ~~that has an input of over 30 BTU per cubic feet of enclosure;~~
- 20 (4) Fill a consumer tank or container in excess of 85 percent (85%) of
21 its water capacity, or to fill a tank or container on the premises of
22 a consumer that is not equipped with a fill tube or gauge;

- 1 provided, ~~said the~~ tank or container may be filled by weight if the
2 tank or container is weighed before and after ~~filling;~~ filling.
- 3 (5) Disconnect an appliance from a gas supply line without capping or
4 plugging ~~said the~~ line before leaving the ~~premises;~~ premises.
- 5 (6) Turn on the gas after reestablishing an interrupted service without
6 first having checked and closed all gas ~~outlets;~~ outlets.
- 7 (7) Violate any provisions of this Article or any rules ~~and regulations~~
8 ~~promulgated thereunder.~~ adopted pursuant to this Article.

9 (b) Every supply tank or container with its regulating equipment connected in a
10 service system, shall be identified while in service by the supplier with an attached
11 tag, ~~label~~ label, or other marking that includes the name of the person supplying
12 liquefied petroleum gas to ~~said the~~ system, and it shall be unlawful for any person,
13 other than ~~said the~~ supplier or the owner of the system, to disconnect, interrupt or fill
14 ~~said the~~ system with liquefied petroleum gas without the consent of ~~said the~~ supplier.
15 ~~Provided, if~~ If another registered supplier is requested by the consumer to connect ~~his~~
16 service and is given permission by the consumer to do so, the new supplier shall
17 notify the former supplier before disconnecting the former service and connecting the
18 new service and shall cap or plug all disconnected equipment outlets and leave ~~said~~
19 the equipment in a condition consistent with this Article and the rules ~~and~~
20 ~~regulations promulgated thereunder.~~ adopted pursuant to this Article."

21 Section 2. The Legislative Research Commission shall study the
22 advisability of allowing the installation of unvented gas burning heating appliances in
23 manufactured and modular homes. The study shall investigate the potential health
24 and safety problems posed to the occupants of manufactured and modular homes in
25 which unvented gas heaters have been installed. In conducting its study, the
26 Legislative Research Commission shall consult with the Building Code Council, the
27 Manufactured Housing Division of the Department of Insurance, the Engineering
28 Division of the Department of Insurance, and the Department of Health and Human
29 Services. The Legislative Research Commission may make an interim report of its
30 findings to the 2000 Regular Session of the 1999 General Assembly and shall make a
31 final report to the 2001 General Assembly.

32 Section 3. This act is effective when it becomes law and applies to
33 liquefied petroleum gas burning appliances installed on and after that date.

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 1999

S

D

SENATE BILL 785
House Committee Substitute Favorable 7/7/99
Proposed House Committee Substitute S785-PCS4719-LD

Short Title: Regulation of LP Gas.

(Public)

Sponsors:

Referred to:

April 7, 1999

1 A BILL TO BE ENTITLED
2 AN ACT TO AMEND THE LAW REGARDING THE INSPECTION AND
3 REGULATION OF LIQUEFIED PETROLEUM GASES.

4 The General Assembly of North Carolina enacts:

5 Section 1. G.S. 119-58 reads as rewritten:

6 "**§ 119-58. Unlawful acts.**

7 (a) It shall be an unlawful act for any person to:

- 8 (1) Sell any liquefied petroleum gas burning appliance designed or
9 built for domestic use ~~which~~ that has not been approved by the
10 American Gas Association, Inc., the Underwriters Laboratory, Inc.,
11 or other laboratory approved by the ~~Commissioner of Agriculture;~~
12 Building Code Council.
- 13 ~~(2) Install any unvented space heating appliance in a manufactured~~
14 ~~home as defined in G.S. 143-145(7);~~
- 15 ~~(3) Install any unvented space heating appliance in a sleeping room~~
16 ~~that has an input of over 30 BTU per cubic feet of enclosure;~~
- 17 (4) Fill a consumer tank or container in excess of 85 percent (85%) of
18 its water capacity, or to fill a tank or container on the premises of
19 a consumer that is not equipped with a fill tube or gauge;
20 provided, ~~said~~ the tank or container may be filled by weight if the
21 tank or container is weighed before and after ~~filling;~~ filling.

- 1 (5) Disconnect an appliance from a gas supply line without capping or
2 plugging ~~said the~~ line before leaving the ~~premises; premises.~~
3 (6) Turn on the gas after reestablishing an interrupted service without
4 first having checked and closed all gas ~~outlets; outlets.~~
5 (7) Violate any provisions of this Article or any rules ~~and regulations~~
6 ~~promulgated thereunder.~~ adopted pursuant to this Article.
7 (b) Every supply tank or container with its regulating equipment connected in a
8 service system, shall be identified while in service by the supplier with an attached
9 tag, ~~label~~ label, or other marking that includes the name of the person supplying
10 liquefied petroleum gas to ~~said the~~ system, and it shall be unlawful for any person,
11 other than ~~said the~~ supplier or the owner of the system, to disconnect, interrupt or fill
12 ~~said the~~ system with liquefied petroleum gas without the consent of ~~said the~~ supplier.
13 ~~Provided, if~~ If another registered supplier is requested by the consumer to connect ~~his~~
14 service and is given permission by the consumer to do so, the new supplier shall
15 notify the former supplier before disconnecting the former service and connecting the
16 new service and shall cap or plug all disconnected equipment outlets and leave ~~said~~
17 the equipment in a condition consistent with this Article and the rules ~~and~~
18 ~~regulations promulgated thereunder.~~ adopted pursuant to this Article."
19 Section 2. This act is effective when it becomes law and applies to
20 liquefied petroleum gas burning appliances installed on and after that date.

**1999 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES**

The following report(s) from standing committee(s) is/are presented:

By Representative(s) **Culpepper** for the Committee on **RULES, CALENDAR, 7
OPERATIONS OF THE HOUSE.**

House Committee Substitute for
S.B.785 A BILL TO BE ENTITLED AN ACT TO AMEND THE LAW REGARDING THE
INSPECTION AND REGULATION OF LIQUEFIED PETROLEUM GASES AND TO
DIRECT THE LEGISLATIVE RESEARCH COMMISSION TO STUDY THE
ADVISABILITY OF ALLOWING THE INSTALLATION OF UNVENTED GAS
BURNING HEATING APPLIANCES IN MANUFACTURED AND MODULAR HOMES.

- With a favorable report.
- With a favorable report and recommendation that the bill be re-referred to the Committee on
Appropriations Finance .
- With a favorable report, as amended.
- With a favorable report, as amended, and recommendation that the bill be re-referred to the
Committee on Appropriations Finance .
- Without prejudice as to House committee substitute bill # 2, which changes the title,
unfavorable as to House Committee Substitute Bill #1.
- With a favorable report as to House committee substitute bill (#), which changes
the title, unfavorable as to Senate committee substitute bill.
- With an unfavorable report.
- With recommendation that the House concur.
- With recommendation that the House do not concur.
- With recommendation that the House do not concur; request conferees.
- With recommendation that the House concur; committee believes bill to be material.
- With an unfavorable report, with a Minority Report attached.
- Without prejudice.
- With an indefinite postponement report.
- With an indefinite postponement report, with a Minority Report attached.
- With recommendation that it be adopted. (HOUSE RESOLUTION ONLY)

2/24/99

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1999

S

D

SENATE BILL 233
Transportation Committee Substitute Adopted 3/24/99
House Committee Substitute Favorable 5/13/99
Proposed House Committee Substitute S233-PCS1783-RW

Short Title: TIP Funding Allocations.

(Public)

Sponsors:

Referred to:

March 4, 1999

1 A BILL TO BE ENTITLED
2 AN ACT TO PROVIDE THAT ANY FUNDS ALLOCATED IN A SPECIFIC
3 YEAR TO A TRANSPORTATION DIVISION AND UNDER OR OVER
4 OBLIGATED SHALL BE ADDED TO THE NEXT YEAR'S ALLOCATION
5 TO THE TRANSPORTATION DIVISION.
6 The General Assembly of North Carolina enacts:
7 Section 1. G.S. 136-17.2A is amended by adding a new subsection to
8 read:
9 "(h) Each year, the Secretary shall calculate the amount of funds allocated in that
10 year to each division, the amount of funds obligated and the amount the obligations
11 exceeded or were below the allocation. The target amounts obtained according to
12 subsection (b) of this section shall be adjusted to account for any differences between
13 allocations and obligations reported for the previous year. The new target amounts
14 shall be used to fulfill the requirements of subsection (d) of this section for the next
15 update of the Transportation Improvement Program. The adjustment to the target
16 amount shall be allocated by division."
17 Section 2. This act becomes effective when it becomes law.

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1999

S

D

SENATE BILL 233

Transportation Committee Substitute Adopted 3/24/99
House Committee Substitute Favorable 5/13/99
House Committee Substitute #2 Favorable 7/8/99
Proposed House Committee Substitute S233-PCS8625-RW

Short Title: ROW Plans/TIP Funding Allocations.

(Public)

Sponsors:

Referred to:

March 4, 1999

1 A BILL TO BE ENTITLED

2 AN ACT TO PROVIDE FOR THE TRANSMISSION AND FILING OF RIGHT-
3 OF-WAY PLANS BY THE DEPARTMENT OF TRANSPORTATION AND TO
4 PROVIDE THAT ANY FUNDS ALLOCATED IN A SPECIFIC YEAR TO A
5 TRANSPORTATION DIVISION AND UNDER OR OVER OBLIGATED
6 SHALL BE ADDED TO THE NEXT YEAR'S ALLOCATION TO THE
7 TRANSPORTATION DIVISION.

8 The General Assembly of North Carolina enacts:

9 Section 1. G.S. 136-19.4 reads as rewritten:

10 "**§ 136-19.4. Registration of right-of-way plans.**

11 (a) A copy of the cover sheet and plan and profile sheets of the final right-of-way
12 plans for all Department of Transportation projects, on those projects for which plans
13 are prepared, under which right-of-way or other interest in real property is acquired
14 or access is controlled shall be certified by the Department of Transportation to the
15 register of deeds of the county or counties within which the project is located. The
16 Department shall certify said plan sheets to the register of deeds within two weeks
17 from their formal approval by the Board of Transportation.

18 (b) The copy of the plans certified to the register of deeds shall consist of a Xerox,
19 photographic, or other permanent ~~copy~~ copy, except for plans electronically
20 transmitted pursuant to subsection (b1) of this section, and shall measure

1 approximately ~~20 inches by 12 inches~~ 17 inches by 11 inches including no less than
2 one and one-half inches binding space on the left-hand side.

3 (b1) With the approval of the county in which the right-of-way plans are to be
4 filed, the Department may transmit the plans electronically.

5 (c) Notwithstanding any other provision in the law, upon receipt of said original
6 certified copy of the right-of-way plans, the register of deeds shall record said
7 right-of-way plans and place the same in a book maintained for that purpose, and the
8 register of deeds shall maintain a cross-index to said right-of-way plans by number of
9 road affected, if any, and by ~~project~~ identification number. No probate before the
10 clerk of the superior court shall be required.

11 (d) If after the approval of said final right-of-way plans the Board of
12 Transportation shall by resolution alter or amend said right-of-way or control of
13 access, the Department of Transportation, within two weeks from the adoption by the
14 Board of Transportation of said alteration or amendment, shall certify to the register
15 of deeds in the county or counties within which the project is located a copy of the
16 amended plan and profile sheets approved by the Board of Transportation and the
17 register of deeds shall remove the original plan sheets and record the amended plan
18 sheets in lieu thereof.

19 (e) The register of deeds in each county shall collect a fee from the Department of
20 Transportation of five dollars (\$5.00) for each original or amended plan and profile
21 sheet recorded."

22 Section 2. G.S. 136-17.2A is amended by adding a new subsection to
23 read:

24 "(h) Each year, the Secretary shall calculate the amount of funds allocated in that
25 year to each division, the amount of funds obligated, and the amount the obligations
26 exceeded or were below the allocation. The target amounts obtained according to
27 subsection (b) of this section shall be adjusted to account for any differences between
28 allocations and obligations reported for the previous year. The new target amounts
29 shall be used to fulfill the requirements of subsection (d) of this section for the next
30 update of the Transportation Improvement Program. The adjustment to the target
31 amount shall be allocated by division."

32 Section 3. Section 1 of this act becomes effective January 1, 2000.
33 Sections 2 and 3 of this act are effective when they become law.

**1999 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES**

The following report(s) from standing committee(s) is/are presented:

By Representative(s) **Culpepper** for the Committee on **RULES, CALENDAR, & OPERATIONS OF THE HOUSE.**

- House Committee Substitute #2 for
S.B. 233 A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT ANY FUNDS
ALLOCATED IN A SPECIFIC YEAR TO A TRANSPORTATION DIVISION AND
UNDER OR OVER OBLIGATED SHALL BE ADDED TO THE NEXT YEAR'S
ALLOCATION TO THE TRANSPORTATION DIVISION.
- With a favorable report.
- With a favorable report and recommendation that the bill be re-referred to the Committee on
Appropriations Finance .
- With a favorable report, as amended.
- With a favorable report, as amended, and recommendation that the bill be re-referred to the
Committee on Appropriations Finance .
- Without prejudice as to House committee substitute bill #3, which changes the title,
unfavorable as to House Committee Substitute Bill # 2.
- With a favorable report as to House committee substitute bill (#), which changes
the title, unfavorable as to Senate committee substitute bill.
- With an unfavorable report.
- With recommendation that the House concur.
- With recommendation that the House do not concur.
- With recommendation that the House do not concur; request conferees.
- With recommendation that the House concur; committee believes bill to be material.
- With an unfavorable report, with a Minority Report attached.
- Without prejudice.
- With an indefinite postponement report.
- With an indefinite postponement report, with a Minority Report attached.
- With recommendation that it be adopted. (HOUSE RESOLUTION ONLY)

2/24/99

VISITOR REGISTRATION SHEET

Rules Committee
Name of Committee

July 9, 1999
Date

VISITORS: PLEASE SIGN BELOW AND RETURN TO COMMITTEE CLERK.

NAME	FIRM OR AGENCY AND ADDRESS
Wiles Perry	Leg staff
Bob Pro	John Pro Wal
Lucius Pullen	Attorney
Dale McKeel	Scenic NC, Inc.
Dale Casato	NCHA
Cam Cree	BPMHL
Hemi McClees	McClees Consulting
John [unclear]	NCFDC
Ken Givens	
Will Culpeper	Linwood Meritt & Assoc
Anne W. Davis	DC NPA
John Phelps	NCLM
Jol Rount	Payne & Spruill
Cherlie Brown	NEDST
Henry Jones	Attorney Raleigh

AGENDA

**HOUSE COMMITTEE ON RULES, CALENDAR AND
OPERATIONS OF THE HOUSE**

**July 12, 1999
Room 421 LOB**

OPENING REMARKS

Representative Culpepper, Chairman

CONSIDERATION OF BILLS

ACTION TAKEN ON BILLS

ADJOURNMENT

MINUTES OF RULES, CALENDAR AND
OPERATIONS OF THE HOUSE
July 12, 1999

The Committee on Rules, Calendar, and Operations of the House met on Monday, July 12, 1999 in Room 421 of the Legislative Office Building with the following members present: Representative Culpepper, Chairman; Representatives Alexander, Allen, Crawford, Gibson, Gulley, Hackney, Hill, Luebke, McCombs, Nye, Tolson, and Yongue.

A Visitor Registration sheet is attached.

The Chairman called the meeting to order to consider the following bills:

HB 740 – Washington County Local Act-1. A proposed Committee Substitute was offered for adoption by Representative Young changing the title to AN ACT CORRECTING AN ERROR IN A PROPERTY DESCRIPTION IN AN ACT REMOVING PROPERTY FROM THE CORPORATE LIMITS OF THE CITY OF MOUNT AIRY. Without objection, the motion carried. Representative McCombs made a motion to report the bill **without prejudice as to committee substitute bill, unfavorable as to original bill and be re-referred to the Committee on Finance.**

SB 302 – Lee and Rutherford Hunting/Chowan Fox Hunting. This bill was re-referred to the Rules Committee for the purpose of adding language to a previous Committee Substitute to include Moore County. A new proposed Committee Substitute was offered and adopted for discussion on motion of Representative Hill. Representative Alexander made a motion to report the new committee substitute **without prejudice, unfavorable report to original committee substitute.** The motion carried.

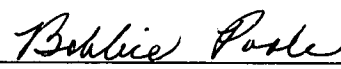
SB 607 - ABC Permit Modifications. A proposed Committee Substitute was offered. Representative Allen moved that it be adopted for purposes of discussion. Without objection, the motion carried. Representative Culpepper explained the proposed Committee Substitute which would authorize the ABC Control Commission to issue certain permits. Representative Crawford offered an amendment and moved that it be adopted. The motion carried. Copy of the amendment is attached. Representative Crawford then moved that the amendment be incorporated into a new committee substitute with a **favorable report, unfavorable to original bill.** The motion carried.

There being no further business, the meeting adjourned at 4:35 p.m.

Respectfully submitted,



Representative Bill Culpepper
Chairman



Bobbie Poole
Acting Committee Assistant

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1999

H

D

HOUSE BILL 740
Proposed Committee Substitute H740-PCS1320-RN

Short Title: Mount Airy Annexation Correction.

(Local)

Sponsors:

Referred to:

March 30, 1999

- 1 A BILL TO BE ENTITLED
2 AN ACT CORRECTING AN ERROR IN A PROPERTY DESCRIPTION IN AN
3 ACT REMOVING PROPERTY FROM THE CORPORATE LIMITS OF THE
4 CITY OF MOUNT AIRY.
5 The General Assembly of North Carolina enacts:
6 Section 1. Section 2 of S.L. 1999-232 is repealed and the property
7 described therein is added to the corporate limits of the City of Mount Airy.
8 Section 2. The following described property is removed from the
9 corporate limits of the City of Mount Airy:
10 Being a 56.997 Acre tract of land recorded in Plat Book 688 Page 645 of the Surry
11 County Register of Deeds. Said plat being Tract #2 recorded on June 8, 1998, and
12 surveyed by Bunn Engineering, RLS #2827. Property is shown as parcel 7807 on
13 map 5919 of the Surry County Tax Maps.
14 Section 3. This act becomes effective June 30, 1999.

**1999 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES**

The following report(s) from standing committee(s) is/are presented:

By Representative(s) **Culpeper** for the Committee on **RULES, CALENDAR, &
OPERATIONS OF THE HOUSE.**

Committee Substitute for

H.B. 740 A BILL TO BE ENTITLED AN ACT RELATING TO WASHINGTON
COUNTY.

With a favorable report.

With a favorable report and recommendation that the bill be re-referred to the Committee on
Appropriations Finance .

With a favorable report, as amended.

With a favorable report, as amended, and recommendation that the bill be re-referred to the
Committee on Appropriations Finance .

Without prejudice as to committee substitute bill which changes the title, unfavorable as
to (original bill), and recommendation that the committee substitute bill be re-referred to the
Committee on FINANCE.

With a favorable report as to House committee substitute bill (#), which changes
the title, unfavorable as to Senate committee substitute bill.

With an unfavorable report.

With recommendation that the House concur.

With recommendation that the House do not concur.

With recommendation that the House do not concur; request conferees.

With recommendation that the House concur; committee believes bill to be material.

With an unfavorable report, with a Minority Report attached.

Without prejudice.

With an indefinite postponement report.

With an indefinite postponement report, with a Minority Report attached.

With recommendation that it be adopted. (HOUSE RESOLUTION ONLY)

2/24/99

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1999

S

D

SENATE BILL 302

State and Local Government Committee Substitute Adopted 4/5/99

House Committee Substitute Favorable 7/7/99

Proposed House Committee Substitute S302-PCS1787-RN

Short Title: Lee/Rutherford/Chowan/Moore Hunting.

(Local)

Sponsors:

Referred to:

March 9, 1999

A BILL TO BE ENTITLED

1
2 AN ACT TO REGULATE HUNTING IN LEE AND RUTHERFORD COUNTIES
3 AND TO ESTABLISH SEASONS FOR HUNTING FOXES WITH WEAPONS
4 AND WITH TRAPS IN CHOWAN COUNTY AND TO PROHIBIT DEER
5 HUNTING IN MOORE COUNTY WITHOUT THE WRITTEN PERMISSION
6 OF THE LANDOWNER, TO PROHIBIT DEER HUNTING FROM THE
7 RIGHT-OF-WAY OF A PUBLIC ROAD IN MOORE COUNTY, AND TO
8 REQUIRE OWNER IDENTIFICATION ON DOGS USED TO HUNT DEER IN
9 MOORE COUNTY.

10 The General Assembly of North Carolina enacts:

11 Section 1. It is unlawful for any person to hunt with a firearm, bow and
12 arrow or crossbow, or other deadly weapon while on the land of another unless the
13 person is a spouse, child, or grandchild of the landowner or has on his person a
14 paper writing dated and signed by the owner or lessee of the land granting the person
15 permission to hunt with a firearm, bow and arrow, crossbow, or other deadly weapon
16 while on the land. If the land is owned by or leased to a club, the permission shall
17 be signed by the club president or other chief executive. If the land is owned by or
18 leased to a corporation, the permission shall be signed by the president or the vice-
19 president of the corporation or the authorized designee of the president or vice-
20 president. Permission shall not be valid for a period of more than one year, but may
21 be valid for any shorter period stated in the permission. The written permission shall

1 be displayed upon request to any law enforcement officer authorized to enforce this
2 section.

3 Section 2. It is unlawful to hunt, take, or kill with a firearm, bow and
4 arrow, crossbow, or other deadly weapon or to attempt to hunt, take, or kill with any
5 such weapon any wild animal or wild bird on, from, or across the right-of-way of any
6 public road, street, highway, or thoroughfare.

7 Section 3. It is unlawful to discharge a firearm from, onto, across, or
8 down the right-of-way of any public road, street, highway, or thoroughfare. This
9 section shall not apply to law enforcement officers who discharge their firearms in the
10 lawful discharge of their duties.

11 Section 4. Violation of the provisions of Sections 1 through 3 of this act
12 is punishable as a Class 3 misdemeanor. Notwithstanding the provisions of G.S. 15A-
13 1340.23, violation of those sections is punishable by a fine of up to three hundred
14 dollars (\$300.00).

15 Section 5. This act is enforceable by law enforcement officers of the
16 Wildlife Resources Commission, by sheriffs and deputy sheriffs, and by other peace
17 officers with general subject matter jurisdiction.

18 Section 6. Section 5 of Chapter 128 of the 1989 Session Laws reads as
19 rewritten:

20 "Section 5. This act applies only to Gates ~~County~~ and Chowan Counties."

21 Section 6.1.(a) It is unlawful to hunt deer on the land of another unless
22 the hunter has, on the hunter's person, a written permission signed and dated by the
23 owner or lessee of the land granting the hunter permission to hunt deer on that land.
24 If the land is owned or leased by a club, the president of the club shall issue the
25 permission to club members to hunt deer. Unless otherwise specified in the writing,
26 the written permission shall be valid for one year from the date of the permission.
27 The written permission shall be displayed upon request to any law enforcement
28 officer with the authority to enforce this section.

29 Section 6.1.(b) It is unlawful to hunt, take, or kill deer at any time on,
30 from, or across the right-of-way of any public road or highway.

31 Section 6.1.(c) It is unlawful to hunt deer with the aid of dogs unless
32 each dog bears a collar, tag, or other identification showing its owner's full name and
33 address. It is unlawful for any person other than the dog's owner to remove an
34 identification collar or tracking collar from a dog. The provisions of this section shall
35 not apply to a landowner or the landowner's children while those persons are
36 hunting deer on the landowner's property.

37 Section 6.1.(d) Violation of this section is a Class 3 misdemeanor.
38 Notwithstanding the provisions of G.S. 15A-1340.23, violation of this section is
39 punishable (i) upon a first conviction by a fine of not less than three hundred dollars
40 (\$300.00) and not more than five hundred dollars (\$500.00), and (ii) upon a second
41 or subsequent conviction by a fine of not less than five hundred dollars (\$500.00) and
42 not more than seven hundred dollars (\$700.00), by imprisonment for up to 60 days,
43 loss of the defendant's North Carolina hunting license, or all three, in the discretion
44 of the court.

1 Section 6.1.(e) This section is enforceable by law enforcement officers of
2 the Wildlife Resources Commission, by sheriffs and deputy sheriffs, and by other
3 peace officers with general subject matter jurisdiction.

4 Section 7. Sections 1 through 5 of this act apply only to Lee County and
5 Rutherford County. Section 6 of this act applies only to Chowan County. Section
6 6.1 of this act applies only to Moore County.

7 Section 8. This act becomes effective October 1, 1999.

**1999 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES**

The following report(s) from standing committee(s) is/are presented:

By Representative(s) **Culpepper** for the Committee on **RULES, CALENDAR, &
OPERATIONS OF THE HOUSE.**

- House Committee Substitute for
S.B. 302 A BILL TO BE ENTITLED AN ACT TO REGULATE HUNTING IN LEE AND
RUTHERFORD COUNTIES AND TO ESTABLISH SEASONS FOR HUNTING FOXES
WITH WEAPONS AND WITH TRAPS IN CHOWAN COUNTY.
- With a favorable report.
- With a favorable report and recommendation that the bill be re-referred to the Committee on
Appropriations Finance .
- With a favorable report, as amended.
- With a favorable report, as amended, and recommendation that the bill be re-referred to the
Committee on Appropriations Finance .
- Without prejudice to House committee substitute bill # 2, which changes the title,
unfavorable as to House Committee Substitute Bill #1
- With a favorable report as to House committee substitute bill (#), which changes
the title, unfavorable as to Senate committee substitute bill.
- With an unfavorable report.
- With recommendation that the House concur.
- With recommendation that the House do not concur.
- With recommendation that the House do not concur; request conferees.
- With recommendation that the House concur; committee believes bill to be material.
- With an unfavorable report, with a Minority Report attached.
- Without prejudice.
- With an indefinite postponement report.
- With an indefinite postponement report, with a Minority Report attached.
- With recommendation that it be adopted. (HOUSE RESOLUTION ONLY)

2/24/99

**1999 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES**

The following report(s) from standing committee(s) is/are presented:

By Representative(s) **Culpepper** for the Committee on **RULES, CALENDAR &
OPERATIONS OF THE HOUSE.**

- Committee Substitute for
S.B. 607 A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE ALCOHOLIC
BEVERAGE CONTROL COMMISSION TO ISSUE PERMITS TO SPORTS CLUBS.
- With a favorable report.
- With a favorable report and recommendation that the bill be re-referred to the Committee on
Appropriations Finance .
- With a favorable report, as amended.
- With a favorable report, as amended, and recommendation that the bill be re-referred to the
Committee on Appropriations Finance .
- With a favorable report as to committee substitute bill (#), which changes the title,
unfavorable as to (original bill) (Committee Substitute Bill #), (and recommendation
that the committee substitute bill #) be re-referred to the Committee on .)
- With a favorable report as to House committee substitute bill which changes the title,
unfavorable as to Senate bill.
- With an unfavorable report.
- With recommendation that the House concur.
- With recommendation that the House do not concur.
- With recommendation that the House do not concur; request conferees.
- With recommendation that the House concur; committee believes bill to be material.
- With an unfavorable report, with a Minority Report attached.
- Without prejudice.
- With an indefinite postponement report.
- With an indefinite postponement report, with a Minority Report attached.
- With recommendation that it be adopted. (HOUSE RESOLUTION ONLY)

2/24/99

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 1999

S

1

SENATE BILL 607

Short Title: Sports Club ABC Permits.

(Public)

Sponsors: Senator Ballance.

Referred to: Commerce.

March 29, 1999

1 A BILL TO BE ENTITLED
2 AN ACT TO AUTHORIZE THE ALCOHOLIC BEVERAGE CONTROL
3 COMMISSION TO ISSUE PERMITS TO SPORTS CLUBS.

4 The General Assembly of North Carolina enacts:

5 Section 1. G.S. 18B-603(f) reads as rewritten:

6 "(f) Permits Not Dependent on Elections. -- The Commission may issue the
7 following kinds of permits without approval at an election:

8 (1) Special occasion permits;

9 (2) Limited special occasion permits;

10 (3) Brown-bagging permits for private clubs and congressionally
11 chartered veterans organizations;

12 (4) Culinary permits, except as restricted by subdivision (d)(5);

13 (5) Special one-time permits issued under G.S. 18B-1002;

14 (6) All permits listed in G.S. 18B-1100;

15 (7) On-premises malt beverage permits and on-premises unfortified
16 wine permits for a tourism ABC ~~establishment.~~ establishment;

17 (8) The permits authorized by G.S. 18B-1001(1), (3), (5), and (10) for
18 sports clubs."

19 Section 2. G.S. 18B-305 is amended by adding a new subsection to read:

20 "(c) Notwithstanding subsection (b) of this section, no permittee may refuse to sell
21 alcoholic beverages to a person solely based on that person's race, religion, color,
22 national origin, sex, or disability."

23 Section 3. This act is effective when it becomes law.



NORTH CAROLINA GENERAL ASSEMBLY
AMENDMENT
Senate Bill 607

AMENDMENT NO. _____
(to be filled in by
Principal Clerk)
Page 1 of _____

S607-alk-10

Date _____, 1999

Comm. Sub. [yes]
Amends Title [YES]
S607-CSLK-4

- 1 moves to amend the bill on page _____, line _____,
2 by rewriting the line to read:
3 "issued a permit under G.S. 18B-1006(k)(5).
4 (3) Meets all of the following requirements:
5 a. Has approved the sale of malt beverages,
6 unfortified wine, fortified wine, but not mixed
7 beverages.
8 b. Contains one city that has approved the sale of
9 malt beverages, unfortified wine, fortified wine,
10 and mixed beverages.
11 c. Operates ABC stores.
12 d. Lies south and west of the Roanoke River and
13 shares a common border with a county qualifying
14 in subdivision (1) of this subsection.
15 This subsection shall also apply to an establishment in a county
16 included in subdivision (3) of this subsection if the establishment
17 is located within two miles of an interstate highway interchange
18 that is within three miles of the common border described in sub-
19 division (2)d. of this subsection."
20

SIGNED _____
Amendment Sponsor

SIGNED _____
Committee Chair if Senate Committee Amendment

ADOPTED _____ FAILED _____ TABLED _____

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 1999

S

D

SENATE BILL 607
Proposed Committee Substitute S607-PCS1788-RN

Short Title: ABC Permit Modifications.

(Public)

Sponsors:

Referred to:

March 29, 1999

1 A BILL TO BE ENTITLED
2 AN ACT TO AUTHORIZE THE ALCOHOLIC BEVERAGE CONTROL
3 COMMISSION TO ISSUE CERTAIN PERMITS.

4 The General Assembly of North Carolina enacts:

5 Section 1. G.S. 18B-101 is amended by adding a new subdivision to read:

6 "(7a) 'Historic ABC establishment' means a restaurant or hotel that
7 meets all of the following requirements:

8 a. Is on the national register of historic places.

9 b. Is a property designed to attract local, State, national, and
10 international tourists located on a State Route (SR) and with
11 a property line located within 1.5 miles of the intersection of
12 a designated North Carolina scenic byway as defined in G.S.
13 136-18(31).

14 c. Is located within 15 miles of a national scenic highway.

15 d. Is located in a county in which the on-premises sale of malt
16 beverages or unfortified wine is authorized in two or more
17 cities in the county."

18 Section 2. G.S. 18B-1006 is amended by adding a new subsection to
19 read:

20 "(n) National Historic Landmark District. -- The Commission may issue permits
21 listed in G.S. 18B-1001(10), without approval at an election, to qualified
22 establishments defined in G.S. 18B-1000(4) and (6) located within a National

1 Historical Landmark as defined in 16 U.S.C. § 470a(a)(1)(B) located in a county that
2 meets all of the following requirements:

- 3 (1) Has approved the sale of malt beverages and unfortified wine but
4 not mixed beverages.
- 5 (2) Has at least one city that has approved the operation of an ABC
6 store and the sale of mixed beverages.
- 7 (3) Has at least 150,000 population based on the last federal census."

8 Section 3. G.S. 18B-603(f) reads as rewritten:

9 "(f) Permits Not Dependent on Elections. -- The Commission may issue the
10 following kinds of permits without approval at an election:

- 11 (1) Special occasion permits;
- 12 (2) Limited special occasion permits;
- 13 (3) Brown-bagging permits for private clubs and congressionally
14 chartered veterans organizations;
- 15 (4) Culinary permits, except as restricted by subdivision (d)(5);
- 16 (5) Special one-time permits issued under G.S. 18B-1002;
- 17 (6) All permits listed in G.S. 18B-1100;
- 18 (7) On-premises malt beverage permits and on-premises unfortified
19 wine permits for a tourism ABC ~~establishment~~ establishment;
- 20 (8) The permits authorized by G.S. 18B-100(1), (3), (5), and (10) for
21 historic ABC establishments."

22 Section 4. G.S. 18B-404(b) reads as rewritten:

23 "(b) Issuance. -- If mixed beverages sales have been approved for an establishment
24 ~~under the last paragraph of G.S. 18B-603(d)~~ G.S. 18B-603(d1) or under G.S. 18B-
25 603(e), the purchase-transportation permit for that establishment may be issued by the
26 local board of any city located in the same county as the establishment, provided the
27 city has approved the sale of mixed beverages. Otherwise a licensed establishment
28 may obtain a mixed beverages purchase-transportation permit only from the local
29 board for the jurisdiction in which it is located. If there is no ABC store within the
30 establishment's jurisdiction, then the mixed beverages permittee shall obtain a mixed
31 beverages purchase-transportation permit from the nearest and most convenient ABC
32 store."

33 Section 5. G.S. 18B-305 is amended by adding a new subsection to read:

34 "(c) Notwithstanding subsection (b) of this section, no permittee may refuse to sell
35 alcoholic beverages to a person solely based on that person's race, religion, color,
36 national origin, sex, or disability."

37 Section 6. G.S. 18B-603(d) reads as rewritten:

38 "(d) Mixed Beverage Elections. -- If a mixed beverage election is held under G.S.
39 18B-602(h) and the sale of mixed beverages is approved, the Commission may issue
40 permits to qualified persons and establishments in the jurisdiction that held the
41 election as follows:

- 42 (1) The Commission may issue mixed beverage permits.
- 43 (2) The Commission may issue on-premises malt beverage, unfortified
44 wine, and fortified wine permits for establishments with mixed

- 1 beverage permits, regardless of any other election or any local act
2 concerning sales of those kinds of alcoholic beverages.
- 3 (3) The Commission may issue off-premises malt beverage permits to
4 any establishment that meets the requirements under G.S. 18B-
5 1001(2) in any township which has voted to permit the sale of
6 mixed beverages, regardless of any other local act concerning sales
7 of those kinds of alcoholic beverages. The Commission may also
8 issue off-premises unfortified wine permits to any establishment
9 that meets the requirements under G.S. 18B-1001(4) in any
10 township which has voted to permit the sale of mixed beverages,
11 regardless of any other local act concerning sales of those kinds of
12 alcoholic beverages.
- 13 (4) The Commission may issue brown-bagging permits for private
14 clubs and congressionally chartered veterans organizations but may
15 no longer issue and may not renew brown-bagging permits for
16 restaurants, hotels, and community theatres. A restaurant, hotel, or
17 community theatre may not be issued a mixed beverage permit
18 under subdivision (1) until it surrenders its brown-bagging permit.
- 19 (5) The Commission may continue to issue culinary permits for
20 establishments that do not have mixed beverage permits. An
21 establishment may not be issued a mixed beverage permit under
22 subdivision (1) until it surrenders its culinary permit.
- 23 (d1) In any county in which the sale of mixed beverages has been approved in
24 elections in at least three cities that, combined, contain more than two-thirds the total
25 county population as of the most recent federal census, the county board of
26 commissioners may by resolution approve the sale of mixed beverages throughout the
27 county, and the Commission may issue permits as if mixed beverages had been
28 approved in a county election.
- 29 (d2) If a county or city holds a mixed beverage election and an ABC store
30 election at the same time and the voters do not approve the establishment of an ABC
31 store, the Commission may not issue mixed beverages permits in that county or city."
- 32 Section 7. G.S. 18B-603(h) reads as rewritten:
- 33 "(h) Permits Based on Existing Permits. -- In any county in which the sale of malt
34 beverage on and off premises, the sale of unfortified wine on and off premises, the
35 sale of mixed beverages, and the operation of an ABC system has been allowed in at
36 least six cities in the county, or in any county adjacent to that county in which an
37 ABC system has been allowed and which borders on the Atlantic Ocean, the
38 Commission may issue permits to sports clubs as defined in G.S. 18B-1000(8)
39 throughout the county. The Commission may issue the following permits:
- 40 (1) On and Off Premises Malt Beverage;
41 (2) On and Off Premises Unfortified Wine;
42 (3) On and Off Premises Fortified Wine; or
43 (4) Mixed Beverages.

1 The Commission may also issue on-premises malt beverage, unfortified wine,
2 fortified wine and mixed beverages permits to a sports club located in a county
3 adjacent to any county that has approved the sale of mixed beverages pursuant to ~~the~~
4 ~~last paragraph of G.S. 18B-603(d),~~ G.S. 18B-603(d1), if the county in which the sports
5 club is located borders another state and has at least one city that has approved the
6 sale of mixed beverages. Sports clubs holding mixed beverages permits shall purchase
7 their spirituous liquor at the nearest ABC system store that is located in the county.

8 The Commission may further issue on-premises malt beverage and on-premises
9 unfortified wine permits to a sports club located in a county bordering on another
10 state that is adjacent to any county in which permits were issued pursuant to this
11 subsection prior to August 1, 1993. The sports clubs must be located in the
12 unincorporated areas of a county, in which the sale of malt beverages and unfortified
13 wine is not permitted, and where there are six or more municipalities in that county
14 where the sale of malt beverages and unfortified wine is permitted."

15 Section 8. G.S. 18B-805(f) reads as rewritten:

16 "(f) Surcharge Profit Shared. -- When, pursuant to ~~the last paragraph of G.S.~~
17 ~~18B-603(d),~~ G.S. 18B-603(d1), spirituous liquor is bought at a city ABC store by a
18 mixed beverages permittee for premises located outside the city, the local board
19 operating the store at which the sale is made shall retain seventy-five percent (75%)
20 of the local share of both the mixed beverages surcharge required by G.S. 18B-
21 804(b)(8) and the guest room cabinet surcharge required by G.S. 18B-804(b)(9) and
22 the remaining twenty-five percent (25%) shall be divided equally among the local
23 ABC boards for all other cities in the county that have authorized the sale of mixed
24 beverages.

25 When, pursuant to G.S. 18B-603(e), spirituous liquor is bought at a city ABC store
26 by a mixed beverages permittee for premises located at an airport outside the city, the
27 local share of both the mixed beverages surcharge required by G.S. 18B-804(b)(8)
28 and the guest room cabinet surcharge required by G.S. 18B-804(b)(9) shall be divided
29 equally among the local ABC boards for all cities in the county that have authorized
30 the sale of mixed beverages."

31 Section 9. G.S. 18B-603(h) reads as rewritten:

32 "(h) Permits Based on Existing Permits. -- In any county ~~in~~ which borders on the
33 Atlantic Ocean and where:

34 (1) ~~the~~ The sale of malt beverage on and off premises, the sale of
35 unfortified wine on and off premises, the sale of mixed beverages,
36 and the operation of an ABC system has been allowed in at least
37 six cities in the county, or in any county adjacent to that county in
38 which an ABC system has been ~~allowed and which borders on the~~
39 ~~Atlantic Ocean,~~ allowed; or

40 (2) The sale of malt beverage on and off premises, the sale of
41 unfortified wine on and off premises, the sale of mixed beverages,
42 and the operation of an ABC system has been allowed in at least
43 eight cities in the county.

1 the Commission may issue permits to sports clubs as defined in G.S. 18B-1000(8)
2 throughout the county.

3 The Commission may issue the following permits:

- 4 (1) On and Off Premises Malt Beverage;
- 5 (2) On and Off Premises Unfortified Wine;
- 6 (3) On and Off Premises Fortified Wine; or
- 7 (4) Mixed Beverages.

8 The Commission may also issue on-premises malt beverage, unfortified wine,
9 fortified wine and mixed beverages permits to a sports club located in a county
10 adjacent to any county that has approved the sale of mixed beverages pursuant to ~~the~~
11 ~~last paragraph of G.S. 18B-603(d);~~ G.S. 18B-603(d1), if the county in which the sports
12 club is located borders another state and has at least one city that has approved the
13 sale of mixed beverages. Sports clubs holding mixed beverages permits shall purchase
14 their spirituous liquor at the nearest ABC system store that is located in the county.

15 The Commission may further issue on-premises malt beverage and on-premises
16 unfortified wine permits to a sports club located in a county bordering on another
17 state that is adjacent to any county in which permits were issued pursuant to this
18 subsection prior to August 1, 1993. The sports clubs must be located in the
19 unincorporated areas of a county, in which the sale of malt beverages and unfortified
20 wine is not permitted, and where there are six or more municipalities in that county
21 where the sale of malt beverages and unfortified wine is permitted."

22 Section 10. G.S. 18B-1006(j) reads as rewritten:

23 "(j) Recreation Districts. -- Notwithstanding the provisions of Article 6 of this
24 Chapter, the Commission may issue permits for the sale of malt beverages, unfortified
25 wine, fortified wine, and mixed beverages to qualified businesses in a recreation
26 district.

27 A "recreation district" ~~is:~~ is an area that meets any of the following requirements:

- 28 (1) An area that is located in a county that has not approved the
29 issuance of permits, has at least two cities that have approved the
30 sale of malt beverages, wine, and the operation of an ABC store,
31 and contains a facility of at least 450 acres where five or more
32 public auto racing events are held each ~~year;~~ or year.
- 33 (2) An area that is located in a county that borders a county which has
34 held elections pursuant to G.S. 18B-600(f) and borders on another
35 state and which (i) contains a facility of at least 225 acres where
36 four or more public auto racing events are held each year or (ii)
37 contains a facility of at least 140 acres where 80 or more motor
38 sports events are held each year.
- 39 (3) ~~The~~ A recreation district includes the area within a half-mile
40 radius of ~~the a racing facility.~~ facility that meets the requirements
41 of subdivision (1) or (2) of this subsection.
- 42 (4) An area of at least 150 acres that offers any of the following
43 facilities or services: Lodging, retail outlets, meeting facilities,
44 restaurants, a white water rafting training facility, or other outdoor

1 recreation activities and is located in a county that meets all of the
2 following requirements:

- 3 a. Borders another state.
4 b. Contains part of the only National Park located in North
5 Carolina.
6 c. Has only one city that has a local ABC system and has
7 authorized the off-premises sale of malt beverages and the
8 on-premises sale of unfortified wine, fortified wine, and
9 mixed alcoholic beverages."

10 Section 11. Section 4 of Chapter 629 of the 1989 Session Laws reads as
11 rewritten:

12 "Sec. 4. This act shall not include Columbus, Caswell, Person, Granville, Vance,
13 Warren, Halifax, Robeson, Cleveland, Rutherford, ~~Macon~~, Polk, Davidson, and Davie
14 Counties."

15 Section 12. G.S. 18B-1006(m) reads as rewritten:

16 "(m) Interstate Interchange Economic Development Zones. --

17 (1) The Commission may issue permits listed in G.S. 18B-1001(10),
18 without approval at an election, to qualified establishments defined
19 in G.S. 18B-1000(4), (6), and (8) located within one mile of an
20 interstate highway interchange located in a county that:

- 21 (1) a. Has approved the sale of malt beverages, unfortified wine,
22 and fortified wine, but not mixed beverages;
23 (2) b. Operates ABC stores;
24 (3) c. Borders on another state; and
25 (4) d. Lies north and east of the Roanoke River.

26 (2) The Commission may issue permits listed in G.S. 18B-1001(1), (3),
27 (5), and (10) to qualified establishments defined in G.S. 18B-
28 1000(4), (6), and (8) and may issue permits listed in G.S. 18B-
29 1001(2) and (4) to qualified establishments defined in G.S. 18B-
30 1000(3) in any county that qualifies for issuance of permits
31 pursuant to G.S. 18B-1006(k)(5). These permits may be issued
32 without approval at an election and shall be issued only to
33 qualified establishments that meet any of the following
34 requirements:

- 35 a. Located within one mile of any interstate highway
36 interchange in that county.
37 b. Located within one mile of an establishment issued a permit
38 under G.S. 18B-1006(k)(5).

39 (3) Meets all of the following requirements:

- 40 a. Has approved the sale of malt beverages, unfortified wine,
41 fortified wine, but not mixed beverages.
42 b. Contains one city that has approved the sale of malt
43 beverages, unfortified wine, fortified wine, and mixed
44 beverages.

1 c. Operates ABC stores.

2 d. Lies south and west of the Roanoke River and shares a
3 common border with a county qualifying in subdivision (1)
4 of this subsection.

5 This subsection shall also apply to an establishment in a county included in
6 subdivision (3) of this subsection if the establishment is located within two miles of an
7 interstate highway interchange that is within three miles of the common border
8 described in sub-subdivision (2)d. of this subsection."

9 Section 13. G.S. 18B-101(14a) reads as rewritten:

10 "(14a) "Tourism ABC establishment" means a restaurant or hotel that
11 meets both of the following requirements:

12 a. Is located on property, a property line of which is located
13 within 1.5 miles of the end of an entrance or exit ramp of a
14 junction on a national scenic parkway designed to attract
15 local, State, national, and international tourists between
16 Milepost 305 and the State line and Milepost 460.

17 b. Is located in a county in which the on-premises or off-
18 premises sale of malt beverages or unfortified wine is
19 authorized in at least one city."

20 Section 14. G.S. 18B-1006(k) reads as rewritten:

21 "(k) Residential Private Club and Sports Club Permits. -- The Commission may
22 issue the permits listed in G.S. 18B-1001, without approval at an election, to a
23 residential private club or a sports club that is located in a county that meets the
24 requirements set in any of the following subdivisions:

25 ...
26 (8) Has an 18-hole golf course; is in the coastal area as defined in G.S.
27 113A-103, but only because it is adjacent to, adjoining, intersected
28 by, or bounded by a coastal sound; which does not allow
29 countywide sales of mixed beverages; which does not border
30 another state; with a population of less than 15,000 according to
31 the most recent decennial federal census; which does not have a
32 city which has authorized the sale of mixed beverages; and which
33 has least two cities with ABC systems.

34 ...
35 The mixed beverages purchase-transportation permit authorized by G.S. 18B-
36 404(b) shall be issued by a local board operating a store operated in the county."

37 Section 15. This act is effective when it becomes law.

VISITOR REGISTRATION SHEET

Rules Calendar & Operations of the House
 Name of Committee

7-12-99
 Date

VISITORS: PLEASE SIGN BELOW AND RETURN TO COMMITTEE CLERK.

NAME

FIRM OR AGENCY AND ADDRESS

John Bowditch	Zeb. Alley P. A.
Ken [unclear]	Capital Strategies
Dale McKeel	SCenic NC, Inc.
John [unclear]	NCFPC
Tim McDowell	NCICU
[unclear]	MCPA
Rob Gillespie	
Steve [unclear]	NCICU
[unclear]	Boone Assoc -
John [unclear]	AT&T
Steve Woodson	NC Farm Bureau
Gordon Payne	Gov. Office
Henry Jones	Attorney - Raleigh
Jol Rainey	Poyner & Spruill
Todd [unclear]	CAIUC

AGENDA

**HOUSE COMMITTEE ON RULES, CALENDAR AND
OPERATIONS OF THE HOUSE**

**July 13, 1999
Room 421 LOB**

OPENING REMARKS

Representative Culpepper, Chairman

CONSIDERATION OF BILLS

ACTION TAKEN ON BILLS

ADJOURNMENT

MINUTES OF RULES, CALENDAR AND
OPERATIONS OF THE HOUSE

July 13, 1999

The Committee on Rules, Calendar, and Operations of the House met on Tuesday, July 13, 1999 in Room 421 of the Legislative Office Building with the following members present: Representative Culpepper, Chairman; Representatives Alexander, Crawford, Gibson, Gulley, Hackney, Jarrell, McCombs, Nye, Tolson, and Yongue. A Visitor Registration sheet is attached.

The Chairman called the meeting to order to consider the following bills:

SJR 1171 – A JOINT RESOLUTION RECOGNIZING WASHINGTON COUNTY UPON ITS BICENTENNIAL AND HONORING GEORGE WASHINGTON, FOR WHOM THE COUNTY IS NAMED introduced by Senator Martin of Pitt. Representative Culpepper explained the Joint Resolution. Representative Nye moved for a **favorable report** and the motion carried.

SB 735 – COMMUNITY COLLEGE TRUSTEE ELIGIBILITY introduced by Senator Albertson. Senator Albertson was recognized to explain the bill which would prohibit members of the General Assembly from serving on the Board of Trustees of a community college. Mr. Hal Miller representing the N.C. Association of Community College Trustees was recognized and spoke in opposition to the bill. Representative Crawford also expressed opposition. Representative Hackney made a motion to give SB 735 a **favorable report** and the motion carried.

Senate Committee Substitute to HB 202 – AMEND PROFESSIONAL CORP. ACT/AB introduced by Representative Culpepper. Representative Culpepper explained the bill. Representative Hackney moved to **recommend that the House do not concur with Senate Committee Substitute; request conferees**. The motion carried.

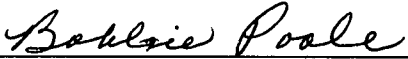
SB 829 – NO BILLBOARDS ON I-40 EAST introduced by Senator Jordan. Representative Hackney explained the bill and moved for a **favorable report**. The motion carried.

There being no further business, the meeting adjourned at 1:20 p.m.

Respectfully submitted,



Representative Bill Culpepper
Chairman



Bobbie Poole
Acting Legislative Assistant

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1999

S

1

SENATE JOINT RESOLUTION 1171*

Sponsors: Senator Martin of Pitt.

Referred to: Rules and Operations of the Senate.

May 10, 1999

1 A JOINT RESOLUTION RECOGNIZING WASHINGTON COUNTY UPON ITS
2 BICENTENNIAL AND HONORING GEORGE WASHINGTON, FOR WHOM
3 THE COUNTY IS NAMED.

4 Whereas, Washington County was formed in 1799 from Tyrrell County,
5 and named for George Washington, the first President of the United States; and

6 Whereas, the first county seat was the Town of Roper earlier known as
7 Lee's Mill where the first wood-framed courthouse was built; and

8 Whereas, in 1823 the General Assembly passed an act moving the county
9 seat from Lee's Mill to Plymouth; and

10 Whereas, Washington County is an area rich in history; and

11 Whereas, Washington County served in the 1700s and 1800s as a major
12 port, and the area prospered with rich agricultural and shipping resources until the
13 Civil War; and

14 Whereas, the local culture reflects the pride instilled in each and every
15 citizen as to their history; and

16 Whereas, the local Port O'Plymouth Museum located in Plymouth on the
17 historic Roanoke River displays artifacts and documentation as to the rich heritage of
18 the County specifically regarding the Civil War era; and

19 Whereas, there are many projects underway to restore and enhance
20 historical sites throughout the County including the Roanoke River Lighthouse
21 Reconstruction; and

22 Whereas, Washington County has prided itself on being an agriculturally
23 based county, but maintains a diversified workforce for local industry particularly in
24 wood and paper products; and

25 Whereas, Washington County is a haven for people who enjoy hunting,
26 fishing, camping, or hiking whether it be on the Albemarle Sound, Roanoke River,

1 Scuppernong River, Lake Phelps, one of the many creeks, in one of the reserves rich
2 in wildlife, or in Pettigrew State Park; and

3 Whereas, the County Commissioners have appointed a Bicentennial
4 Committee that has been working diligently developing the County's history and
5 recently published Washington County, North Carolina - "A Tapestry."; and

6 Whereas, the Bicentennial Committee is scheduling events celebrating the
7 bicentennial during the months of September through November of 1999; Now,
8 therefore,

9 Be it resolved by the Senate, the House of Representatives concurring:

10 Section 1. The General Assembly honors the life and memory of George
11 Washington and expresses appreciation for the contributions he made to this country.
12 The General Assembly congratulates Washington County on its bicentennial and
13 joins the County's citizens in celebrating the County's bicentennial.

14 Section 2. The Secretary of State shall transmit a certified copy of this
15 resolution to the Chair of the Washington County Board of Commissioners and to the
16 County Manager.

17 Section 3. This resolution is effective upon ratification.

**1999 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES**

The following report(s) from standing committee(s) is/are presented:

By Representative(s) **Culpepper** for the Committee on **RULES, CALENDAR, AND OPERATIONS OF THE HOUSE.**

- Committee Substitute for
S.J.R. 1171 A JOINT RESOLUTION RECOGNIZING WASHINGTON COUNTY UPON
ITS BICENTENNIAL AND HONORING GEORGE WASHINGTON, FOR WHOM THE
COUNTY IS NAMED.
- With a favorable report.
- With a favorable report and recommendation that the bill be re-referred to the Committee on
Appropriations Finance .
- With a favorable report, as amended.
- With a favorable report, as amended, and recommendation that the bill be re-referred to the
Committee on Appropriations Finance .
- With a favorable report as to committee substitute bill (#), which changes the title,
unfavorable as to (original bill) (Committee Substitute Bill #), (and recommendation
that the committee substitute bill #) be re-referred to the Committee on .)
- With a favorable report as to House committee substitute bill (#), which changes
the title, unfavorable as to Senate committee substitute bill.
- With an unfavorable report.
- With recommendation that the House concur.
- With recommendation that the House do not concur.
- With recommendation that the House do not concur; request conferees.
- With recommendation that the House concur; committee believes bill to be material.
- With an unfavorable report, with a Minority Report attached.
- Without prejudice.
- With an indefinite postponement report.
- With an indefinite postponement report, with a Minority Report attached.
- With recommendation that it be adopted. (HOUSE RESOLUTION ONLY)

2/24/99

**1999 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES**

The following report(s) from standing committee(s) is/are presented:

By Representative(s) **Culpepper** for the Committee on **RULES, CALENDAR, AND OPERATIONS OF THE HOUSE.**

- Committee Substitute for
S.B. 735 A BILL TO BE ENTITLED AN ACT TO PROHIBIT MEMBERS OF THE
GENERAL ASSEMBLY FROM SERVING ON THE BOARD OF TRUSTEES OF A
COMMUNITY COLLEGE.
- With a favorable report.
- With a favorable report and recommendation that the bill be re-referred to the Committee on
Appropriations Finance .
- With a favorable report, as amended.
- With a favorable report, as amended, and recommendation that the bill be re-referred to the
Committee on Appropriations Finance .
- With a favorable report as to committee substitute bill (#), which changes the title,
unfavorable as to (original bill) (Committee Substitute Bill #), (and recommendation
that the committee substitute bill #) be re-referred to the Committee on .)
- With a favorable report as to House committee substitute bill (#), which changes
the title, unfavorable as to Senate committee substitute bill.
- With an unfavorable report.
- With recommendation that the House concur.
- With recommendation that the House do not concur.
- With recommendation that the House do not concur; request conferees.
- With recommendation that the House concur; committee believes bill to be material.
- With an unfavorable report, with a Minority Report attached.
- Without prejudice.
- With an indefinite postponement report.
- With an indefinite postponement report, with a Minority Report attached.
- With recommendation that it be adopted. (HOUSE RESOLUTION ONLY)

2/24/99

*Rec. House do not concur;
request conferees -*

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1999

H

3

HOUSE BILL 202
Committee Substitute Favorable 3/22/99
Senate Judiciary I Committee Substitute Adopted 6/30/99

Short Title: Amend Professional Corp. Act/AB.

(Public)

Sponsors:

Referred to:

March 2, 1999

1 A BILL TO BE ENTITLED
2 AN ACT TO AMEND THE PROFESSIONAL CORPORATION ACT TO PERMIT
3 CERTAIN EMPLOYEE RETIREMENT PLANS TO HOLD SECURITIES AS A
4 LICENSEE AND TO REVISE THE DEFINITION OF A FOREIGN
5 PROFESSIONAL CORPORATION THAT MAY BE AUTHORIZED TO DO
6 BUSINESS IN THIS STATE, AS RECOMMENDED BY THE GENERAL
7 STATUTES COMMISSION, TO ALLOW NONLICENSEES TO OWN UP TO
8 FORTY-NINE PERCENT OF THE SHARES OF A PROFESSIONAL
9 CORPORATION RENDERING CERTIFIED PUBLIC ACCOUNTANT
10 SERVICES, AND TO EXEMPT CERTIFIED PUBLIC ACCOUNTANTS WHO
11 ARE MEMBERS OF THE GENERAL ASSEMBLY FROM CONTINUING
12 PROFESSIONAL EDUCATION REQUIREMENTS.
13 The General Assembly of North Carolina enacts:
14 Section 1. G.S. 55B-6 reads as rewritten:
15 "**§ 55B-6. Capital stock.**
16 (a) Except as provided in ~~subsection (b)~~, subsections (a1) and (b) of this section, a
17 professional corporation may issue shares of its capital stock only to a licensee as
18 defined in G.S. 55B-2, and a shareholder may voluntarily transfer ~~such~~ shares of stock
19 issued to ~~him~~ the shareholder only to another ~~such~~ licensee. No share or shares of
20 any stock of ~~such~~ a professional corporation shall be transferred upon the books of
21 the corporation unless the corporation has received a certification of the appropriate
22 licensing board that the transferee ~~of such shares~~ is a licensee. Provided, it shall be

1 lawful in the case of professional corporations rendering services as defined in
2 Chapters 83A, 89A, 89C, and 89E, for ~~non-licensed~~ nonlicensed employees of ~~such~~
3 the corporation to own not more than one-third of the total issued and outstanding
4 shares of ~~such corporation~~; the corporation; and provided further, with respect to a
5 professional corporation rendering services as defined in Chapters 83A, 89A, 89C,
6 and 89E of the General Statutes, an employee retirement plan qualified under section
7 401 of the Internal Revenue Code of 1986, as amended (or any successor section), is
8 deemed for purposes of this section to be a licensee if the trustee or trustees of the
9 plan are licensees. Provided further, subject to any additional conditions that the
10 appropriate licensing board may by rule or order impose in the public interest, it
11 shall be lawful for individuals who are not licensees but who perform professional
12 services on behalf of a professional corporation in another jurisdiction in which the
13 corporation maintains an office, and who are duly licensed to perform professional
14 services under the laws of the other jurisdiction, to be shareholders of the corporation
15 so long as there is at least one shareholder who is a licensee as defined in G.S. 55B-2,
16 and the corporation renders its professional services in the State only through those
17 shareholders that are licensed in North Carolina. Upon the transfer of any shares of
18 such corporation to a ~~non-licensed~~ nonlicensed employee of such corporation, the
19 corporation shall inform the appropriate licensing board of the name and address of
20 the transferee and the number of shares issued to ~~such~~ the nonprofessional transferee.
21 ~~Any share of stock of such corporation issued or transferred~~ The issuance or transfer
22 of any share of stock in violation of this section shall be null and is void. No
23 shareholder of a professional corporation shall enter into a voting trust agreement or
24 any other type of agreement vesting in another person the authority to exercise the
25 voting power of any ~~or all of his stock~~; of the stock of a professional corporation.
26 (a) Any person may own up to forty-nine percent of the stock of a professional
27 corporation rendering services under Chapter 93 of the General Statutes as long as:
28 (1) Licensees continue to own and control voting stock that represents
29 at least fifty-one percent (51%) of the votes entitled to be cast in
30 the election of directors of the professional corporation; and
31 (2) All licensees who perform professional services on behalf of the
32 corporation comply with Chapter 93 of the General Statutes and
33 the rules adopted thereunder.
34 ~~(b) A professional corporation formed pursuant to this Chapter may issue one~~
35 ~~hundred percent (100%) of its capital stock to another professional corporation in~~
36 ~~order for that corporation (the distributing corporation) to distribute the stock of the~~
37 ~~controlled corporation to one or more shareholders of the distributing corporation in~~
38 ~~accordance with section 355 of the Internal Revenue Code of 1986, as amended. The~~
39 ~~distributing corporation shall distribute the stock of the controlled corporation within~~
40 ~~30 days after the stock was issued to the distributing corporation. A share of stock of~~
41 ~~the controlled corporation that has not been transferred to a licensee more than 30~~
42 ~~days after it was issued to the distributing corporation is void.~~
43 (b) A professional corporation formed pursuant to this Chapter may issue one
44 hundred percent (100%) of its capital stock to another professional corporation in

1 order for that corporation (the distributing corporation) to distribute in accordance
2 with section 355 of the Internal Revenue Code of 1986, as amended (or any
3 succeeding section), the stock of the controlled corporation to one or more
4 shareholders of the distributing corporation authorized under this section to hold the
5 shares. The distributing corporation shall distribute the stock of the controlled
6 corporation within 30 days after the stock is issued to the distributing corporation. A
7 share of stock of the controlled corporation that is not transferred in accordance with
8 this subsection within 30 days after the share was issued to the distributing
9 corporation is void."

10 Section 2. G.S. 55B-16 reads as rewritten:

11 "**§ 55B-16. Foreign professional corporations.**

12 (a) A foreign professional corporation may apply for a certificate of authority to
13 transact business in this State pursuant to the provisions of this Chapter and Chapter
14 55 of the General Statutes provided that:

- 15 (1) The corporation obtains a certificate of registration from the
16 appropriate licensing board or boards in this State;
- 17 (2) With respect to each professional service practiced through the
18 corporation in this State, at least one director and one officer shall
19 be a licensee of the licensing board which regulates the profession
20 in this State;
- 21 (3) Each officer, employee, and agent of the corporation who will
22 provide professional services to persons in this State shall be a
23 licensee of the appropriate licensing board in this State;
- 24 (4) The corporation shall be subject to the applicable rules and
25 regulations adopted by, and all the disciplinary powers of, the
26 appropriate licensing board or boards in this State;
- 27 (5) The corporation's activities in this State shall be limited as
28 provided by G.S. 55B-14; and
- 29 (6) The application for certificate of authority, in addition to the
30 requirements of G.S. 55-15-03, shall set forth the personal services
31 to be rendered by the foreign professional corporation and the
32 individual or individuals who will satisfy the requirements of G.S.
33 55B-16(a)(2) and shall be accompanied by a certification by the
34 appropriate licensing board that each individual is a 'licensee' as
35 defined in G.S. 55B-2(2) and by additional certifications as may be
36 required to establish that the corporation is a 'foreign professional
37 corporation' as defined in G.S. 55B-16(b).

38 (b) For purposes of this section, 'foreign professional corporation' means a
39 corporation for profit that:

- 40 (1) Is incorporated under a law other than the law of this State;
- 41 (2) Is incorporated for the ~~sole and specific~~ purpose of rendering
42 professional services of the type that if rendered in this State would
43 require the obtaining of a license from a licensing board pursuant
44 to the statutory provisions referred to in G.S. 55B-2(6); and

- 1 (3) Has as its shareholders only individuals who:
2 a. Qualify to hold shares of a corporation organized under this
3 Chapter;
4 b. Are licensed to provide professional services as defined in
5 G.S. 55B-2(6) in a state in which the corporation is
6 incorporated or is authorized to transact business, provided
7 that such professional services are the same as the
8 professional service rendered by the corporation; ~~or~~
9 c. Are nonlicensed employees of a corporation rendering
10 services of the type defined in Chapters 83A, 89A, 89C, and
11 89E of the General Statutes, provided that all such
12 nonlicensed employees own no more than one-third of the
13 total issued and outstanding shares of such corporation in
14 the ~~aggregate~~; aggregate; or
15 d. With respect to a professional corporation rendering services
16 under Chapter 93 of the General Statutes, are persons who
17 own not more than forty-nine percent (49%) of the stock in
18 the professional corporation as long as:
19 1. Individuals who meet the requirements of sub-
20 subdivision a. or b. of this subdivision own and
21 control voting stock that represents at least fifty-one
22 percent (51%) of the votes entitled to be cast in the
23 election of directors of the professional corporation;
24 and
25 2. All licensees who perform professional services on
26 behalf of the corporation in this State comply with
27 Chapter 93 of the General Statutes and the rules
28 adopted thereunder.
29 (b1) With respect to a professional corporation rendering services as defined in
30 Chapters 83A, 89A, 89C, and 89E of the General Statutes, an employee retirement
31 plan qualified under section 401 of the Internal Revenue Code of 1986, as amended
32 (or any successor section), is deemed for purposes of this section to be an individual
33 licensee if at least one trustee of the plan is a licensee and all other trustees are
34 licensees or are individuals who are licensed under the laws of a state in which the
35 corporation maintains an office to perform at least one of the professional services, as
36 defined in Chapter 83A, 89A, 89C, or 89E of the General Statutes, rendered by the
37 corporation.
38 (c) A foreign professional corporation with a valid certificate ~~or~~ of authority has
39 the same but no greater rights and ~~has the same but no greater~~ privileges as, and is
40 subject to the same duties, restrictions, penalties, and liabilities now or later imposed
41 on, a domestic professional corporation of like character, except that the provisions of
42 G.S. 55B-6 and G.S. 55B-7 ~~shall do~~ do not apply."
43 Section 3. G.S. 93-12(8b) reads as rewritten:

- 1 "(8b) To formulate rules ~~and regulations~~ for the continuing professional
2 education of all persons holding the certificate of certified public
3 accountant, subject to the following provisions:
4 a. After January 1, 1983, any person desiring to obtain or
5 renew a certificate as a certified public accountant must
6 offer evidence satisfactory to the Board that ~~such~~ the person
7 has complied with the continuing professional education
8 requirement approved by the Board. The Board may grant a
9 conditional license for not more than 12 months for persons
10 who are being licensed for the first time, or moving into
11 North Carolina, or for other good cause, in order that ~~such~~
12 the person may comply with the continuing professional
13 education requirement.
14 b. The Board shall ~~promulgate rules and regulations~~ adopt
15 rules for the administration of the continuing professional
16 education requirement with a minimum number of hours of
17 20 and a maximum number of hours of 40 per year, and the
18 Board may exempt persons who are retired or inactive from
19 ~~said~~ the continuing professional education requirement. The
20 Board may also permit any certified public accountant to
21 accumulate hours of continuing professional education in
22 any calendar year of as much as two additional years annual
23 requirement in advance of or subsequent to the required
24 calendar year.
25 c. Any applicant who offers satisfactory evidence on forms
26 promulgated by the Board that ~~he~~ the applicant has
27 participated in a continuing professional education program
28 of the type required by the Board shall be deemed to have
29 complied with this ~~section~~ subdivision.
30 d. All members of the General Assembly are exempt from the
31 continuing professional education requirement adopted by
32 the Board."

33 Section 4. This act is effective when it becomes law.

**1999 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES**

The following report(s) from standing committee(s) is/are presented:

By Representative(s) **Culpepper** for the Committee on **RULES, CALENDAR, AND
OPERATIONS OF THE HOUSE.**

Senate Committee Substitute for

H.B. 202 A BILL TO BE ENTITLED AN ACT TO AMEND THE PROFESSIONAL CORPORATION ACT TO PERMIT CERTAIN EMPLOYEE RETIREMENT PLANS TO HOLD SECURITIES AS A LICENSEE AND TO REVISE THE DEFINITION OF A FOREIGN PROFESSIONAL CORPORATION THAT MAY BE AUTHORIZED TO DO BUSINESS IN THIS STATE, AS RECOMMENDED BY THE GENERAL STATUTES COMMISSION, TO ALLOW NONLICENSEES TO OWN UP TO FORTY-NINE PERCENT OF THE SHARES OF A PROFESSIONAL CORPORATION RENDERING CERTIFIED PUBLIC ACCOUNTANT SERVICES, AND TO EXEMPT CERTIFIED PUBLIC ACCOUNTANTS WHO ARE MEMBERS OF THE GENERAL ASSEMBLY FROM CONTINUING PROFESSIONAL EDUCATION REQUIREMENTS.

With a favorable report.

With a favorable report and recommendation that the bill be re-referred to the Committee on Appropriations Finance .

With a favorable report, as amended.

With a favorable report, as amended, and recommendation that the bill be re-referred to the Committee on Appropriations Finance .

With a favorable report as to committee substitute bill (#), which changes the title, unfavorable as to (original bill) (Committee Substitute Bill #), (and recommendation that the committee substitute bill #) be re-referred to the Committee on .)

With a favorable report as to House committee substitute bill (#), which changes the title, unfavorable as to Senate committee substitute bill.

With an unfavorable report.

With recommendation that the House concur.

With recommendation that the House do not concur.

With recommendation that the House do not concur; request conferees.

With recommendation that the House concur; committee believes bill to be material.

With an unfavorable report, with a Minority Report attached.

Without prejudice.

With an indefinite postponement report.

With an indefinite postponement report, with a Minority Report attached.

With recommendation that it be adopted. (HOUSE RESOLUTION ONLY)

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1999

S

3

SENATE BILL 829
Second Edition Engrossed 4/28/99
Third Edition Engrossed 4/29/99

Short Title: No Billboards on I-40 East.

(Public)

Sponsors: Senators Jordan; Gulley and Kinnaird.

Referred to: Transportation.

April 12, 1999

1 A BILL TO BE ENTITLED
2 AN ACT TO DIRECT THE JOINT LEGISLATIVE TRANSPORTATION
3 OVERSIGHT COMMITTEE TO STUDY ISSUES RELATED TO
4 PROHIBITING THE ERECTION OF OUTDOOR ADVERTISING ON A
5 PORTION OF INTERSTATE HIGHWAY 40 AND TO IMPOSE A
6 MORATORIUM PENDING THE COMMITTEE'S REPORT TO THE
7 GENERAL ASSEMBLY.

8 The General Assembly of North Carolina enacts:

9 Section 1. The Joint Legislative Transportation Oversight Committee
10 shall study whether the additional erection of outdoor advertising along the portion
11 of Interstate Highway 40 from the Orange-Alamance county line to the municipal
12 limits of the City of Wilmington should be prohibited. The Committee shall examine
13 the issue with regard to outdoor advertising as defined in G.S. 136-128(3), that is
14 visible and intended to be read from the highway right-of-way. The Committee shall
15 also study the advisability of the Department of Transportation allowing owners of
16 billboards to enter upon the right-of-way and destroy vegetation which might obscure
17 their advertising. The Committee shall report its findings and recommendations to
18 the 2000 Regular Session of the 1999 General Assembly. Pending the report of the
19 Committee, a moratorium is imposed on the erection of new outdoor advertising
20 along the portion of Interstate Highway 40 from the Orange-Alamance county line to
21 the municipal limits of the City of Wilmington. The moratorium imposed by this

1 section shall not apply to outdoor advertising described in G.S. 136-129 (1), (2), or
2 (3). The moratorium shall expire July 1, 2000.

3 Section 2. This act is effective when it becomes law.

**1999 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES**

The following report(s) from standing committee(s) is/are presented:

By Representative(s) **Culpepper** for the Committee on **RULES, CALENDAR AND OPERATIONS OF THE HOUSE.**

Committee Substitute for

S.B. 829 A BILL TO BE ENTITLED AN ACT TO DIRECT THE JOINT LEGISLATIVE TRANSPORTATION OVERSIGHT COMMITTEE TO STUDY ISSUES RELATED TO PROHIBITING THE ERECTION OF OUTDOOR ADVERTISING ON A PORTION OF INTERSTATE HIGHWAY 40 AND TO IMPOSE A MORATORIUM PENDING THE COMMITTEE'S REPORT TO THE GENERAL ASSEMBLY.

With a favorable report.

With a favorable report and recommendation that the bill be re-referred to the Committee on Appropriations Finance .

With a favorable report, as amended.

With a favorable report, as amended, and recommendation that the bill be re-referred to the Committee on Appropriations Finance .

With a favorable report as to committee substitute bill (#), which changes the title, unfavorable as to (original bill) (Committee Substitute Bill #), (and recommendation that the committee substitute bill #) be re-referred to the Committee on .)

With a favorable report as to House committee substitute bill (#), which changes the title, unfavorable as to Senate committee substitute bill.

With an unfavorable report.

With recommendation that the House concur.

With recommendation that the House do not concur.

With recommendation that the House do not concur; request conferees.

With recommendation that the House concur; committee believes bill to be material.

With an unfavorable report, with a Minority Report attached.

Without prejudice.

With an indefinite postponement report.

With an indefinite postponement report, with a Minority Report attached.

With recommendation that it be adopted. (HOUSE RESOLUTION ONLY)

2/24/99

VISITOR REGISTRATION SHEET

Rules Committee
Name of Committee

7-13-99
Date

VISITORS: PLEASE SIGN BELOW AND RETURN TO COMMITTEE CLERK.

NAME	FIRM OR AGENCY AND ADDRESS
Carol Loue	Common Cause / NO
Dale MCKeel	Scenic North Carolina, Inc.
Dorothy Ross	Kau
Jay Math	N.C. Justice Ctr.
Natalie English	NCAC
Lu-Ann Cole	F ³
Lois Nixon	KAB
Johnnie Blairwell	FSA
Hal Miller	DCAECT
Eddie Caldwell	H.M. C. C., P.A.
Jan Sangster	NC D HA
Ed Ryan	N.C. A. C. C.
John Phelps	NCLM
Alan Mills	Bain & Brown LLP
Butch Gunnells	NC Soft Drink Assoc.
Henry Jones	Attorney - Raleigh
Wade Bandlins LISA DEYFS	News & Observer THE INSIDER

AGENDA

**HOUSE COMMITTEE ON RULES, CALENDAR AND
OPERATIONS OF THE HOUSE**

**July 14, 1999
Room 421 LOB**

OPENING REMARKS

Representative Culpepper, Chairman

CONSIDERATION OF BILLS

ACTION TAKEN ON BILLS

ADJOURNMENT

MINUTES OF RULES, CALENDAR AND
OPERATIONS OF THE HOUSE
July 14, 1999

The Committee on Rules, Calendar and Operations of the House met on Wednesday, July 14, 1999 in Room 421 of the Legislative Office Building with the following members present: Representative Culpepper, Chairman; Representatives Alexander, Allen, Boyd-McIntyre, Crawford, Gibson, Gulley, Hackney, Hill, Luebke, McCombs, Nye, Tolson, and Yongue. A Visitor Registration sheet is attached.

The Chairman called the meeting to order to consider the following bills:

HB 1279 – FINANCIAL IDENTITY FRAUD introduced by Representative Warner. In the absence of Representative Warner, the Chairman explained that the Rules Committee is considering this bill under Rule 39.2 for procedural purposes. Therefore, Representative Yongue moved to report the bill **without prejudice**. The motion carried.

HJR1488 – A JOINT RESOLUTION HONORING THE LIFE AND MEMORY OF HENDERSON DAVID MABE, JR., A FORMER MEMBER OF THE HOUSE OF REPRESENTATIVES AND A FAMILY PHYSICIAN introduced by Representative Cox. Representative Cox spoke on the resolution. Representative Young moved for a **favorable report**. The motion carried.

Senate Committee Substitute for SB 348 –STOP MISUSE OF LASER DEVICES, introduced by Senator Forrester. A proposed House committee substitute was offered and Representative Yongue moved for its adoption for discussion. Motion carried. Linwood Jones, Staff Counselor, explained the committee substitute which prohibits the misuse of laser devices. Senator Forrester was recognized to speak on the bill. Representative Hackney offered an amendment and the amendment was adopted. Representative Nye moved to incorporate the amendment into a new committee substitute **with a favorable report to House committee substitute, unfavorable as to Senate committee substitute**. The motion carried.

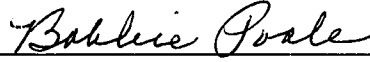
SB 690 – DISTRICT COURT ELECTIONS NONPARTISAN introduced by Senator Dalton. Representative Culpepper explained that the Rules Committee needs to deal with this as a procedural matter in order that the bill may be calendared. Representative Crawford moved that SB 690 **be reported without prejudice**. Motion carried.

SB 365 – OBSOLETE AGRICULTURE STATUTES. Representative Eddins offered a proposed committee substitute for SB 365 with a new title – DEATH ROW INMATE RESTRICTION. Representative Eddins explained the committee substitute which would prohibit death row inmates from contacting the families of their victims. The proposed committee substitute was adopted and Representative Gulley moved for a favorable report to House committee substitute, unfavorable to original bill. The motion carried.

There being no further business, the meeting adjourned at 12:25 p.m.



Representative Bill Culpepper
Chairman



Bobbie Poole
Acting Committee Assistant

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1999

H

4

HOUSE BILL 1279
Committee Substitute Favorable 4/27/99
Senate Judiciary I Committee Substitute Adopted 6/30/99
Fourth Edition Engrossed 7/1/99

Short Title: Financial Identity Fraud.

(Public)

Sponsors:

Referred to:

April 15, 1999

1 A BILL TO BE ENTITLED
2 AN ACT TO CREATE THE CRIMINAL OFFENSE OF FINANCIAL IDENTITY
3 FRAUD AND TO ALLOW FOR THE RECOVERY OF DAMAGES FOR
4 FINANCIAL IDENTITY FRAUD.
5 The General Assembly of North Carolina enacts:
6 Section 1. Chapter 14 of the General Statutes is amended by adding a
7 new Article to read:
8 "ARTICLE 19C.
9 "Financial Identity Fraud.
10 "§ 14-113.20. Financial identity fraud.
11 (a) A person who knowingly obtains, possesses, or uses personal identifying
12 information of another person without the consent of that other person, with the
13 intent to fraudulently represent that the person is the other person for the purposes of
14 making financial or credit transactions in the other person's name or for the purpose
15 of avoiding legal consequences is guilty of a felony punishable as provided in G.S. 14-
16 113.22(a).
17 (b) The term 'identifying information' as used in this section includes the
18 following:
19 (1) Social security numbers.
20 (2) Drivers license numbers.
21 (3) Checking account numbers.

1 (4) Savings account numbers.

2 (5) Credit card numbers.

3 (6) Debit card numbers.

4 (7) Personal Identification (PIN) Code as defined in G.S. 14-113.8(8).

5 (8) Electronic identification numbers.

6 (9) Digital signatures.

7 (10) Any other numbers or information that can be used to access a
8 person's financial resources.

9 (c) It shall not be a violation under this section for a person to do any of the
10 following:

11 (1) Lawfully obtain credit information in the course of a bona fide
12 consumer or commercial transaction.

13 (2) Lawfully exercise, in good faith, a security interest or a right of
14 offset by a creditor or financial institution.

15 (3) Lawfully comply, in good faith, with any warrant, court order,
16 levy, garnishment, attachment, or other judicial or administrative
17 order, decree, or directive, when any party is required to do so.

18 "§ 14-113.21. Venue of offenses.

19 In any criminal proceeding brought under G.S. 14-113.20, the crime is considered
20 to be committed in any county in which any part of the financial identity fraud took
21 place, regardless of whether the defendant was ever actually present in that county.

22 "§ 14-113.22. Punishment and liability.

23 (a) A violation of G.S. 14-113.20 is punishable as a Class H felony, except if the
24 victim suffers arrest, detention, or conviction as a proximate result of the offense,
25 then the violation is punishable as a Class G felony.

26 (b) Notwithstanding subsection (a) of this section, any person who knowingly
27 obtains, possesses, or uses personal identifying information of another person without
28 the consent of that other person, with the intent to fraudulently represent that the
29 person is the other person for the purposes of making financial or credit transactions
30 in the other person's name or for the purpose of avoiding legal consequences, shall
31 be liable to the other person for civil damages of up to five thousand dollars (\$5,000)
32 for each incident, or three times the amount of actual damages, if any, sustained by
33 the person damaged, whichever amount is greater. A person damaged as set forth in
34 this subsection may also institute a civil action to enjoin and restrain future acts
35 which would constitute a violation of this subsection. The court, in an action brought
36 under this subsection, may award reasonable attorneys' fees to the prevailing party.

37 (c) In any case in which a person obtains identifying information of another
38 person in violation of G.S. 14-113.20, uses that information to commit a crime in
39 addition to a violation of G.S. 14-113.20, and is convicted of that additional crime,
40 the court records shall reflect that the person whose identity was falsely used to
41 commit the crime did not commit the crime.

42 "§ 14-113.23. Authority of the Attorney General.

43 The Attorney General may investigate any complaint regarding financial identity
44 fraud under this Article. In conducting these investigations, the Attorney General has

1 all the investigative powers available to the Attorney General under Article 1 of
2 Chapter 75 of the General Statutes. The Attorney General shall refer all cases of
3 financial identity fraud under G.S. 14-113.20 to the district attorney in the county
4 where the crime was deemed committed in accordance with G.S. 14-113.21."

5 Section 2. This act becomes effective December 1, 1999, and applies to
6 offenses committed on or after that date.

**1999 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES**

The following report(s) from standing committee(s) is/are presented:

By Representative(s) **Culpepper** for the Committee on **RULES, CALENDAR AND OPERATIONS OF THE HOUSE.**

Senate Committee Substitute for
H.B. 1279 A BILL TO BE ENTITLED AN ACT TO CREATE THE CRIMINAL OFFENSE
OF FINANCIAL IDENTITY FRAUD AND TO ALLOW FOR THE RECOVERY OF
DAMAGES FOR FINANCIAL IDENTITY FRAUD.

- With a favorable report.
- With a favorable report and recommendation that the bill be re-referred to the Committee on
Appropriations Finance .
- With a favorable report, as amended.
- With a favorable report, as amended, and recommendation that the bill be re-referred to the
Committee on Appropriations Finance .
- With a favorable report as to committee substitute bill (#), which changes the title,
unfavorable as to (original bill) (Committee Substitute Bill #), (and recommendation
that the committee substitute bill #) be re-referred to the Committee on .)
- With a favorable report as to House committee substitute bill (#), which changes
the title, unfavorable as to Senate committee substitute bill.
- With an unfavorable report.
- With recommendation that the House concur.
- With recommendation that the House do not concur.
- With recommendation that the House do not concur; request conferees.
- With recommendation that the House concur; committee believes bill to be material.
- With an unfavorable report, with a Minority Report attached.
- Without prejudice.
- With an indefinite postponement report.
- With an indefinite postponement report, with a Minority Report attached.
- With recommendation that it be adopted. (HOUSE RESOLUTION ONLY)

2/24/99

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1999

H

D

HOUSE JOINT RESOLUTION DRHJR6232-LG(7.8)

Sponsors: Representatives Cox and Davis.

Referred to:

1 A JOINT RESOLUTION HONORING THE LIFE AND MEMORY OF
2 HENDERSON DAVID MABE, JR., A FORMER MEMBER OF THE HOUSE
3 OF REPRESENTATIVES AND A FAMILY PHYSICIAN.

4 Whereas, Henderson David Mabe, Jr. was born on October 20, 1924, in
5 Kinston, North Carolina, to Henderson D. Mabe, Sr. and Pauline Joyner Mabe; and

6 Whereas, Henderson David Mabe, Jr. graduated from the Bowman Gray
7 School of Medicine of Wake Forest College in 1950 and thereafter did his residency
8 at Watts Hospital and practiced medicine in the Town of Erwin; and

9 Whereas, Dr. Mabe, while active in community and business life, was a
10 family doctor whose patients always came first; and

11 Whereas, Dr. Mabe was well known for seeing patients into the night and
12 then making rounds at the local hospital; and

13 Whereas, Dr. Mabe loved North Carolina, the Town of Erwin, and the
14 surrounding areas he served, and his patients; and

15 Whereas, Dr. Mabe served with honor and distinction as a member of the
16 House of Representatives from 1963 to 1964; and

17 Whereas, as a member of the General Assembly, Dr. Mabe recognized
18 the need for training more medical doctors and supported the first resolution calling
19 for a study of the need for a new medical school, which later came to fruition as East
20 Carolina University School of Medicine; and

21 Whereas, Dr. Mabe died on March 24, 1999; and

22 Whereas, Dr. Mabe left the bulk of his estate to the North Carolina
23 Community Foundation to provide endowed scholarships to graduates from Harnett
24 County high schools who wish to prepare for careers in the health care profession;
25 and

1 Whereas, the General Assembly desires to recognize Dr. Henderson
2 David Mabe, Jr.'s contributions to the State and its people; Now, therefore,

3 Be it resolved by the House of Representatives, the Senate concurring:

4 Section 1. The General Assembly expresses its great appreciation for the
5 life and accomplishments of Dr. Henderson David Mabe, Jr., and for his caring and
6 devoted service to the sick, aged, and infirm throughout his 49 years as a family
7 doctor.

8 Section 2. The General Assembly extends its sympathy to the family and
9 friends of Dr. Henderson David Mabe, Jr.

10 Section 3. The Secretary of State shall transmit a certified copy of this
11 resolution to the family of Dr. Henderson David Mabe, Jr.

12 Section 4. This resolution is effective upon ratification.

**1999 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES**

The following report(s) from standing committee(s) is/are presented:

By Representative(s) **Culpepper** for the Committee on **RULES, CALENDAR AND OPERATIONS OF THE HOUSE.**

- Committee Substitute for
H.J.R. 1488 A JOINT RESOLUTION HONORING THE LIFE AND MEMORY OF
HENDERSON DAVID MABE, JR., A FORMER MEMBER OF THE HOUSE OF
REPRESENTATIVES AND A FAMILY PHYSICIAN.
- With a favorable report.
- With a favorable report and recommendation that the bill be re-referred to the Committee on
Appropriations Finance .
- With a favorable report, as amended.
- With a favorable report, as amended, and recommendation that the bill be re-referred to the
Committee on Appropriations Finance .
- With a favorable report as to committee substitute bill (#), which changes the title,
unfavorable as to (original bill) (Committee Substitute Bill #), (and recommendation
that the committee substitute bill #) be re-referred to the Committee on .)
- With a favorable report as to House committee substitute bill (#), which changes
the title, unfavorable as to Senate committee substitute bill.
- With an unfavorable report.
- With recommendation that the House concur.
- With recommendation that the House do not concur.
- With recommendation that the House do not concur; request conferees.
- With recommendation that the House concur; committee believes bill to be material.
- With an unfavorable report, with a Minority Report attached.
- Without prejudice.
- With an indefinite postponement report.
- With an indefinite postponement report, with a Minority Report attached.
- With recommendation that it be adopted. (HOUSE RESOLUTION ONLY)

2/24/99

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1999

S

2

SENATE BILL 348
Health Care Committee Substitute Adopted 4/19/99

Short Title: Stop Misuse of Laser Pointers.

(Public)

Sponsors:

Referred to:

March 15, 1999

1 A BILL TO BE ENTITLED
2 AN ACT TO PROHIBIT THE MISUSE OF LASER DEVICES.
3 The General Assembly of North Carolina enacts:

4 Section 1. Article 8 of Chapter 14 of the General Statutes is amended by
5 adding a new section to read:

6 "**§ 14-34.8. Criminal use of laser device.**

7 (a) For purposes of this section, the term 'laser' means light amplification by
8 stimulated emission of radiation.

9 (b) It is unlawful intentionally to point a laser device at another person while the
10 device is emitting a laser beam.

11 (c) A violation of this section is a Class 1 misdemeanor.

12 (d) This section does not apply to a law enforcement officer who uses a laser
13 device in discharging or attempting to discharge the officer's official duties. This
14 section does not apply to a person who is licensed or otherwise authorized by law to
15 use a laser device in the person's profession if the laser device is used by the person
16 in discharging or attempting to discharge the person's official duties.

17 (e) This section does not apply to laser tag and similar games and devices using
18 light emitting diode (LED) technology."

19 Section 2. This act becomes effective December 1, 1999, and applies to
20 offenses committed on or after that date.

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1999

S

D

SENATE BILL 348
Health Care Committee Substitute Adopted 4/19/99

PROPOSED HOUSE COMMITTEE SUBSTITUTE
S348-CSRN-001

THIS IS A DRAFT

Short Title: Stop Misuse of Laser Pointers. (Public)

Sponsors:

Referred to:

March 15, 1999

1 A BILL TO BE ENTITLED
2 AN ACT TO PROHIBIT THE MISUSE OF LASER DEVICES.
3 The General Assembly of North Carolina enacts:
4 Section 1. Article 8 of Chapter 14 of the General
5 Statutes is amended by adding a new section to read:
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7 (a) For purposes of this section, the term 'laser' means light
8 amplification by stimulated emission of radiation.
9 (b) It is unlawful intentionally to point a laser device at
10 another person while the device is emitting a laser beam.
11 (c) A violation of this section is a Class 1 misdemeanor.
12 (d) This section does not apply to a law enforcement officer
13 who uses a laser device in discharging or attempting to discharge
14 the officer's official duties. This section does not apply to a
15 health care professional who uses a laser device in providing
16 services within the scope of practice of that professional nor to
17 any other person who is licensed or authorized by law to use a

1 laser device and uses it in the performance of the person's
2 official duties.

3 (e) This section does not apply to laser tag and similar games
4 and devices using light emitting diode (LED) technology."

5 Section 2. This act becomes effective December 1, 1999,
6 and applies to offenses committed on or after that date.

**1999 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES**

The following report(s) from standing committee(s) is/are presented:

By Representative(s) **Culpepper** for the Committee on **RULES, CALENDAR AND OPERATIONS OF THE HOUSE..**

- Committee Substitute for
S.B. 348 A BILL TO BE ENTITLED AN ACT TO PROHIBIT THE MISUSE OF LASER DEVICES.
- With a favorable report.
- With a favorable report and recommendation that the bill be re-referred to the Committee on Appropriations Finance .
- With a favorable report, as amended.
- With a favorable report, as amended, and recommendation that the bill be re-referred to the Committee on Appropriations Finance .
- With a favorable report as to committee substitute bill (#), which changes the title, unfavorable as to (original bill) (Committee Substitute Bill #), (and recommendation that the committee substitute bill #) be re-referred to the Committee on .)
- With a favorable report as to House committee substitute bill, unfavorable as to Senate committee substitute bill.
- With an unfavorable report.
- With recommendation that the House concur.
- With recommendation that the House do not concur.
- With recommendation that the House do not concur; request conferees.
- With recommendation that the House concur; committee believes bill to be material.
- With an unfavorable report, with a Minority Report attached.
- Without prejudice.
- With an indefinite postponement report.
- With an indefinite postponement report, with a Minority Report attached.
- With recommendation that it be adopted. (HOUSE RESOLUTION ONLY)

2/24/99

1 (b) Determination of Nominees. -- In the primary, the two candidates for a single
 2 office receiving the highest number of votes, and those candidates for a group of
 3 offices receiving the highest number of votes, equal to twice the number of positions
 4 to be filled, shall be declared nominated. If two or more candidates receiving the
 5 highest number of votes each receive the same number of votes, the State Board of
 6 Elections shall determine their relative ranking by lot, and shall declare the nominees
 7 accordingly. The canvass of the primary shall be held on the same date as the
 8 primary canvass fixed under G.S. 163-188. The canvass shall be conducted in
 9 accordance with Article 16 of this Chapter.

10 (c) Determination of Election Winners. -- In the election, the names of those
 11 candidates declared nominated without a primary and those candidates nominated in
 12 the primary shall be placed on the ballot. The candidate for a single office receiving
 13 the highest number of votes shall be elected. Those candidates for a group of offices
 14 receiving the highest number of votes, equal in number to the number of positions to
 15 be filled, shall be elected. If two candidates receiving the highest number of votes
 16 each received the same number of votes, the State Board of Elections shall determine
 17 the winner by lot.

18 **"§ 163-323. Notice of candidacy.**

19 (a) Form of Notice. -- Each person offering to be a candidate for election shall do
 20 so by filing a notice of candidacy with the State Board of Elections in the following
 21 form, inserting the words in parentheses when appropriate:

22 "Date _____:
 23 I hereby file notice that I am a candidate for election to the office
 24 of _____ in the regular election to be held _____,
 25 _____.
 26 Signed _____:
 27 (Name of Candidate)
 28 Witness: _____".

29 The notice of candidacy shall be either signed in the presence of the chairman or
 30 secretary of the State Board of Elections, or signed and acknowledged before an
 31 officer authorized to take acknowledgments who shall certify the notice under seal.
 32 An acknowledged and certified notice may be mailed to the State Board of Elections.
 33 In signing a notice of candidacy, the candidate shall use only the candidate's legal
 34 name and, in his discretion, any nickname by which commonly known. A candidate
 35 may also, in lieu of that candidate's first name and legal middle initial or middle
 36 name, if any, sign that candidate's nickname, provided the candidate appends to the
 37 notice of candidacy an affidavit that the candidate has been commonly known by that
 38 nickname for at least five years prior to the date of making the affidavit. The
 39 candidate shall also include with the affidavit the way the candidate's name (as
 40 permitted by law) should be listed on the ballot if another candidate with the same
 41 last name files a notice of candidacy for that office.

42 A notice of candidacy signed by an agent or any person other than the candidate
 43 himself shall be invalid.

1 (b) Time for Filing Notice of Candidacy. -- Candidates seeking election to the
2 following offices shall file their notice of candidacy with the State Board of Elections
3 no earlier than 12:00 noon on the first Monday in January and no later than 12:00
4 noon on the first Monday in February preceding the election:

5 Judges of the superior courts.

6 Judges of the district courts.

7 (c) Withdrawal of Notice of Candidacy. -- Any person who has filed a notice of
8 candidacy for an office shall have the right to withdraw it at any time prior to the
9 date on which the right to file for that office expires under the terms of subsection (b)
10 of this section.

11 (d) Certificate That Candidate Is Registered Voter. -- Candidates shall file along
12 with their notice a certificate signed by the chairman of the board of elections or the
13 supervisor of elections of the county in which they are registered to vote, stating that
14 the person is registered to vote in that county, and if the candidacy is for superior
15 court judge and the county contains more than one superior court district, stating the
16 superior court district of which the person is a resident. In issuing such certificate, the
17 chairman or supervisor shall check the registration records of the county to verify
18 such information. During the period commencing 36 hours immediately preceding
19 the filing deadline, the State Board of Elections shall accept, on a conditional basis,
20 the notice of candidacy of a candidate who has failed to secure the verification
21 ordered herein subject to receipt of verification no later than three days following the
22 filing deadline. The State Board of Elections shall prescribe the form for such
23 certificate, and distribute it to each county board of elections no later than the last
24 Monday in December of each odd-numbered year.

25 (e) Candidacy for More Than One Office Prohibited. -- No person may file a
26 notice of candidacy for more than one office or group of offices described in
27 subsection (b) of this section, or for an office or group of offices described in
28 subsection (b) of this section and an office described in G.S. 163-106(c), for any one
29 election. If a person has filed a notice of candidacy with a board of elections under
30 this section or under G.S. 163-106(c) for one office or group of offices, then a notice
31 of candidacy may not later be filed for any other office or group of offices under this
32 section when the election is on the same date unless the notice of candidacy for the
33 first office is withdrawn under subsection (c) of this section.

34 (f) Notice of Candidacy for Certain Offices to Indicate Vacancy. -- In any election
35 in which there are two or more vacancies for the office of district court judge to be
36 filled by nominations, each candidate shall, at the time of filing notice of candidacy,
37 file with the State Board of Elections a written statement designating the vacancy to
38 which he seeks election. Votes cast for a candidate shall be effective only for his
39 election to the vacancy for which the candidate has given notice of candidacy as
40 provided in this subsection.

41 A person seeking election for a specialized district judgeship established under
42 G.S. 7A-147 shall, at the time of filing notice of candidacy, file with the State Board
43 of Elections a written statement designating the specialized judgeship to which the
44 person seeks nomination.

1 (g) No person may file a notice of candidacy for superior court judge unless that
2 person is at the time of filing the notice of candidacy a resident of the judicial district
3 as it will exist at the time the person would take office if elected. No person may be
4 nominated as a superior court judge under G.S. 163-114 unless that person is at the
5 time of nomination a resident of the judicial district as it will exist at the time the
6 person would take office if elected. This subsection implements Article IV Section
7 9(1) of the North Carolina Constitution which requires regular Superior Court Judges
8 to reside in the district for which elected.

9 **"§ 163-324. Filing fees required of candidates; refunds.**

10 (a) Fee Schedule. -- At the time of filing a notice of candidacy under this Article,
11 each candidate shall pay to the State Board of Elections a filing fee for the office he
12 seeks in the amount of one percent (1%) of the annual salary of the office sought.

13 (b) Refund of Fees. -- If any person who has filed a notice of candidacy and paid
14 the filing fee prescribed in subsection (a) of this section withdraws his notice of
15 candidacy within the period prescribed in G.S. 163-323(c), he shall be entitled to
16 have the fee he paid refunded. The chairman of the State Board of Elections shall
17 cause a warrant to be drawn on the State Treasurer for the refund payment.

18 If any person who has filed a notice of candidacy and paid the filing fee prescribed
19 in subsection (a) of this section dies prior to the date of the election, the personal
20 representative of the estate shall be entitled to have the fee refunded if application is
21 made to the board of elections to which the fee was paid no later than one year after
22 the date of death, and refund shall be made in the same manner as in withdrawal of
23 notice of candidacy.

24 **"§ 163-325. Petition in lieu of payment of filing fee.**

25 (a) General. -- Any qualified voter who seeks election under this Article may, in
26 lieu of payment of any filing fee required for the office he seeks, file a written
27 petition requesting him to be a candidate for a specified office with the State Board
28 of Elections.

29 (b) Requirements of Petition; Deadline for Filing. -- If the candidate is seeking the
30 office of superior or district court judge, that individual shall file a written petition
31 with the State Board of Elections no later than 12:00 noon on Monday preceding the
32 filing deadline before the primary. The petition shall be signed by ten percent (10%)
33 of the registered voters of the election area in which the office will be voted for. The
34 board of elections shall verify the names on the petition, and if the petition and
35 notice of candidacy are found to be sufficient, the candidate's name shall be printed
36 on the appropriate ballot. Petitions must be presented to the county board of
37 elections for verification at least 15 days before the petition is due to be filed with the
38 State Board of Elections. The State Board of Elections may adopt rules to implement
39 this section and to provide standard petition forms.

40 **"§ 163-326. Certification of notices of candidacy.**

41 (a) Names of Candidates Sent to Secretary of State. -- Within three days after the
42 time for filing notices of candidacy with the State Board of Elections under the
43 provisions of G.S. 163-323(b) has expired, the chairman or secretary of that Board

1 shall certify to the Secretary of State the name and address of each person who has
2 filed with the State Board of Elections, indicating in each instance the office sought.

3 (b) Notification of Local Boards. -- No later than 10 days after the time for filing
4 notices of candidacy under the provisions of G.S. 163-323(b) has expired, the
5 chairman of the State Board of Elections shall certify to the chairman of the county
6 board of elections in each county in the appropriate district the names of candidates
7 for nomination to the offices of superior and district court judge who have filed the
8 required notice and paid the required filing fee or presented the required petition to
9 the State Board of Elections, so that their names may be printed on the official
10 judicial ballot for superior and district court.

11 (c) Receipt of Notification by County Board. -- Within two days after receipt of
12 each of the letters of certification from the chairman of the State Board of Elections
13 required by subsection (b) of this section, each county elections board chairman shall
14 acknowledge receipt by letter addressed to the chairman of the State Board of
15 Elections.

16 **"§ 163-327. Death of candidates or elected officers.**

17 (a) Death or Disqualification of Candidate Before Primary. -- If a candidate for
18 nomination in a primary dies, becomes disqualified, or withdraws before the primary
19 but after the ballots have been printed, the State Board of Elections shall determine
20 whether or not there is time to reprint the ballots. If the Board determines that there
21 is not enough time to reprint the ballots, the deceased or disqualified candidate's
22 name shall remain on the ballots. If that candidate receives enough votes for
23 nomination, such votes shall be disregarded and the candidate receiving the next
24 highest number of votes below the number necessary for nomination shall be
25 declared nominated. If the death or disqualification of the candidate leaves only two
26 candidates for each office to be filled, the nonpartisan primary shall not be held and
27 all candidates shall be declared nominees.

28 (b) Death, Disqualification, or Resignation of Official After Election. -- If a person
29 elected to the office of superior or district court judge dies, becomes disqualified, or
30 resigns on or after election day and before he has qualified by taking the oath of
31 office, the office shall be deemed vacant and shall be filled as provided by law.

32 **"§ 163-328. Failure of candidates to file; death of a candidate before election.**

33 (a) Insufficient Number of Candidates. -- If when the filing period expires,
34 candidates have not filed for an office to be filled under this Article, the State Board
35 of Elections shall extend the filing period for five days for any such offices.

36 (b) Death of Candidate; Reopening Filing. -- If there is no primary because only
37 one or two candidates have filed for a single office, or the number of candidates filed
38 for a group of offices does not exceed twice the number of positions to be filled, and
39 thereafter a candidate dies before the election and before the ballots are printed, the
40 State Board of Elections shall, upon notification of the death, immediately reopen the
41 filing period for an additional five days during which time additional candidates shall
42 be permitted to file for election. If the ballots have been printed at the time the State
43 Board of Elections receives notice of the candidate's death, the Board shall determine
44 whether there will be sufficient time to reprint them before the election if the filing

1 period is reopened for three days. If the Board determines that there will be sufficient
2 time to reprint the ballots, it shall reopen the filing period for three days to allow
3 other candidates to file for election, and such election shall be conducted on the
4 plurality basis.

5 (c) Death of Nominated Candidate; Ballots Not Reprinted. -- If the ballots have
6 been printed at the time the State Board of Elections receives notice of a candidate's
7 death, and if the Board determines that there is not enough time to reprint the ballots
8 before the election if the filing period is reopened for three days, then regardless of
9 the number of candidates remaining for the office or group of offices, the ballots shall
10 not be reprinted and the name of the deceased candidate shall remain on the ballots.
11 If a deceased candidate should poll the highest number of votes in the election for a
12 single office or enough votes to be elected to one of a group of offices, the State
13 Board of Elections shall declare the office vacant and it shall be filled in the manner
14 provided by law.

15 **"§ 163-329. Elections to fill vacancy created after primary filing period to use**
16 **plurality method.**

17 (a) General. -- If a vacancy is created in the office of judge of superior court after
18 the filing period for the primary opens but more than 60 days before the general
19 election, and under the Constitution of North Carolina an election is to be held for
20 that position, such that the office shall be filled in the general election as provided in
21 G.S. 163-9, the election to fill the office for the remainder of the term shall be
22 conducted without a primary using the plurality method as provided in subsection (b)
23 of this section. If a vacancy is created in the office of judge of superior court before
24 the filing period for the primary opens, and under the Constitution of North Carolina
25 an election is to be held for that position, such that the office shall be filled in the
26 general election as provided in G.S. 163-9, the election to fill the office for the
27 remainder of the term shall be conducted in accordance with G.S. 163-322.

28 (b) Plurality Election Rules. -- Elections under this section shall be conducted
29 using the following rules:

- 30 (1) The filing period shall be prescribed by the State Board of
31 Elections, but in no event may it be less than five working days. If
32 a vacancy occurs in a second office in the same superior court
33 district after the first filing period established under the section has
34 closed, the State Board of Elections shall reopen filing for a period
35 of not less than five working days for the office of superior court
36 judge. All persons filing in either filing period shall run as a group
37 and the election results shall be determined by subdivision (3) of
38 this subsection.
- 39 (2) When more than one person is seeking election to a single office,
40 the candidate who receives the highest number of votes shall be
41 declared elected.
- 42 (3) When more persons are seeking election to two or more offices
43 (constituting a group) than there are offices to be filled, those

- 1 candidates receiving the highest number of votes, equal in number
2 to the number of offices to be filled, shall be declared elected.
- 3 (4) If two or more candidates receiving the highest number of votes
4 each receive the same number of votes, the board of elections shall
5 determine the winner by lot.
- 6 (5) Except as provided in this section, the provisions of this Article
7 apply to elections conducted under this section.

8 **"§ 163-330. Voting in primary.**

9 Any person who will become qualified by age or residence to register and vote in
10 the general election for which the primary is held, even though not so qualified by
11 the date of the primary, shall be entitled to register for the primary and general
12 election prior to the primary and then to vote in the primary after being registered.
13 Such person may register not earlier than 60 days nor later than the last day for
14 making application to register under G.S. 163-82.6(c) prior to the primary.

15 **"§ 163-331. Date of primary.**

16 The primary shall be held on the same date as established for primary elections
17 under G.S. 163-1(b).

18 **"§ 163-332. Ballots.**

19 (a) General. -- In elections there shall be official ballots. The ballots shall be
20 printed to conform to the requirement of G.S. 163-140(c) and to show the name of
21 each person who has filed notice of candidacy, and the office for which each aspirant
22 is a candidate.

23 Only those who have filed the required notice of candidacy with the proper board
24 of elections, and who have paid the required filing fee or qualified by petition, shall
25 have their names printed on the official primary ballots. Only those candidates
26 properly nominated shall have their names appear on the official general election
27 ballots.

28 (b) Ballots to be Furnished by County Board of Elections. -- It shall be the duty of
29 the county board of elections to print official ballots for the following offices to be
30 voted for in the primary:

31 Superior court judge.

32 District court judge.

33 In printing ballots, the county board of elections shall be governed by instructions
34 of the State Board of Elections with regard to width, color, kind of paper, form, and
35 size of type.

36 Three days before the election, the chairman of the county board of elections shall
37 distribute official ballots to the chief judge of each precinct in his county, and the
38 chief judge shall give a receipt for the ballots received. On the day of the primary, it
39 shall be the chief judge's duty to have all the ballots so delivered available for use at
40 the precinct voting place.

41 **"§ 163-333. Canvass.**

42 The county board of elections shall, in addition to the requirements contained in
43 G.S. 163-175, canvass the results in judicial primaries and elections, the number of
44 legal votes cast in each precinct for each candidate, the name of each person voted

1 for, and the total number of votes cast in the county for each person for each
2 different office.

3 **"§ 163-334. Counting of ballots.**

4 Counting of ballots in primaries and elections held under this Article shall be
5 under the same rules as for counting of ballots in nonpartisan municipal elections
6 under Article 24 of this Chapter.

7 **"§ 163-335. Other rules.**

8 Except as provided by this Article, the conduct of elections shall be governed by
9 Subchapter VI of this Chapter."

10 Section 2. (a) G.S. 7A-142 reads as rewritten:

11 **"§ 7A-142. Vacancies in office.**

12 A vacancy in the office of district judge shall be filled for the unexpired term by
13 appointment of the Governor from nominations submitted by the bar of the judicial
14 district as defined in G.S. 84-19. If the district court district is comprised of counties
15 in more than one judicial district, the nominees shall be submitted jointly by the bars
16 of those judicial districts, but only those members who reside in the district court
17 district shall participate in the selection of the nominees. If the district court judge
18 was elected as the nominee of a political party, then the district bar shall submit to
19 the Governor the names of three persons who are residents of the district court
20 district who are duly authorized to practice law in the district and who are members
21 of the same political party as the vacating judge; provided that if there are not three
22 persons who are available, the bar shall submit the names of two persons who meet
23 the qualifications of this sentence. If the district court judge was not elected as the
24 nominee of a political party, then the district bar shall submit to the Governor the
25 names of three persons who are residents of the district court district and who are
26 duly authorized to practice law in the district; provided that if there are not three
27 persons who are available, the bar shall submit the names of two persons who meet
28 the qualifications of this sentence. Within 60 days after the district bar submits
29 nominations for a vacancy, the Governor shall appoint to fill the vacancy. If the
30 Governor fails to appoint a district bar nominee within 60 days, then the district bar
31 nominee who received the highest number of votes from the district bar shall fill the
32 vacancy. If the district bar fails to submit nominations within 30 days from the date
33 the vacancy occurs, the Governor may appoint to fill the vacancy without waiting for
34 nominations.

35 (b) Effective on the first Monday in December of 2002, G.S. 7A-142 as
36 amended by subsection (a) of this section reads as rewritten:

37 **"§ 7A-142. Vacancies in office.**

38 A vacancy in the office of district judge shall be filled for the unexpired term by
39 appointment of the Governor from nominations submitted by the bar of the judicial
40 district as defined in G.S. 84-19. If the district court district is comprised of counties
41 in more than one judicial district, the nominees shall be submitted jointly by the bars
42 of those judicial districts, but only those members who reside in the district court
43 district shall participate in the selection of the nominees. ~~If the district court judge~~
44 ~~was elected as the nominee of a political party, then the district bar shall submit to~~

1 ~~the Governor the names of three persons who are residents of the district court~~
2 ~~district who are duly authorized to practice law in the district and who are members~~
3 ~~of the same political party as the vacating judge; provided that if there are not three~~
4 ~~persons who are available, the bar shall submit the names of two persons who meet~~
5 ~~the qualifications of this sentence. If the district court judge was not elected as the~~
6 nominee of a political party, then the district bar shall submit to the Governor the
7 names of three persons who are residents of the district court district and who are
8 duly authorized to practice law in the district; provided that if there are not three
9 persons who are available, the bar shall submit the names of two persons who meet
10 the qualifications of this sentence. Within 60 days after the district bar submits
11 nominations for a vacancy, the Governor shall appoint to fill the vacancy. If the
12 Governor fails to appoint a district bar nominee within 60 days, then the district bar
13 nominee who received the highest number of votes from the district bar shall fill the
14 vacancy. If the district bar fails to submit nominations within 30 days from the date
15 the vacancy occurs, the Governor may appoint to fill the vacancy without waiting for
16 nominations."

17 Section 3. G.S. 163-106 reads as rewritten:

18 **"§ 163-106. Notices of candidacy; pledge; with whom filed; date for filing; withdrawal.**

19 (a) Notice and Pledge. -- No one shall be voted for in a primary election unless he
20 shall have filed a notice of candidacy with the appropriate board of elections, State or
21 county, as required by this section. To this end every candidate for selection as the
22 nominee of a political party shall file with and place in the possession of the board of
23 elections specified in subsection (c) of this section, a notice and pledge in the
24 following form:

25 "Date

26 I hereby file notice as a candidate for nomination as in the
27 party primary election to be held on, 19.... I affiliate with the
28 party, (and I certify that I am now registered on the registration records of
29 the precinct in which I reside as an affiliate of the party.)

30 I pledge that if I am defeated in the primary, I will not run for any
31 office as a write-in candidate in the next general election.

32 Signed.....

33 Name of candidate

34 Witness:

35

36

37 (Title of witness)"

38 Each candidate shall sign his notice of candidacy in the presence of the chairman or
39 secretary of the board of elections, State or county, with which he files. In the
40 alternative, a candidate may have his signature on the notice of candidacy
41 acknowledged and certified to by an officer authorized to take acknowledgments and
42 administer oaths, in which case the candidate may mail his notice of candidacy to the
43 appropriate board of elections.

1 In signing his notice of candidacy the candidate shall use only his legal name and,
2 in his discretion, any nickname by which he is commonly known. A candidate may
3 also, in lieu of his legal first name and legal middle initial or middle name (if any)
4 sign his nickname, provided that he appends to the notice of candidacy an affidavit
5 that he has been commonly known by that nickname for at least five years prior to
6 the date of making the affidavit. The candidate shall also include with the affidavit
7 the way his name (as permitted by law) should be listed on the ballot if another
8 candidate with the same last name files a notice of candidacy for that office.

9 A notice of candidacy signed by an agent or any person other than the candidate
10 himself shall be invalid.

11 Prior to the date on which candidates may commence filing, the State Board of
12 Elections shall print and furnish, at State expense, to each county board of elections a
13 sufficient number of the notice of candidacy forms prescribed by this subsection for
14 use by candidates required to file with county boards of elections.

15 (b) Eligibility to File. -- No person shall be permitted to file as a candidate in a
16 primary if, at the time he offers to file notice of candidacy, he is registered on the
17 appropriate registration book or record as an affiliate of a political party other than
18 that in whose primary he is attempting to file. No person who has changed his
19 political party affiliation or who has changed from unaffiliated status to party
20 affiliation as permitted in G.S. 163-82.17, shall be permitted to file as a candidate in
21 the primary of the party to which he changed unless he has been affiliated with the
22 political party in which he seeks to be a candidate for at least 90 days prior to the
23 filing date for the office for which he desires to file his notice of candidacy.

24 A person registered as "unaffiliated" shall be ineligible to file as a candidate in a
25 party primary election.

26 (c) Time for Filing Notice of Candidacy. -- Candidates seeking party primary
27 nominations for the following offices shall file their notice of candidacy with the State
28 Board of Elections no earlier than 12:00 noon on the first Monday in January and no
29 later than 12:00 noon on the first Monday in February preceding the primary:

30 Governor

31 Lieutenant Governor

32 All State executive officers

33 Justices of the Supreme Court, Judges of the Court of Appeals

34 ~~Judges of the district courts~~

35 United States Senators

36 Members of the House of Representatives of the United States

37 District attorneys

38 Candidates seeking party primary nominations for the following offices shall file
39 their notice of candidacy with the county board of elections no earlier than 12:00
40 noon on the first Monday in January and no later than 12:00 noon on the first
41 Monday in February preceding the primary:

42 State Senators

43 Members of the State House of Representatives

44 All county offices.

1 (d) Notice of Candidacy for Certain Offices to Indicate Vacancy. -- In any primary
2 in which there are two or more vacancies for Chief Justice and associate justices of
3 the Supreme Court, two or more vacancies for judge of the Court of Appeals, or two
4 vacancies for United States Senator from North Carolina ~~or two or more vacaneies~~
5 ~~for the office of district court judge to be filled by nominations,~~ Carolina, each
6 candidate shall, at the time of filing notice of candidacy, file with the State Board of
7 Elections a written statement designating the vacancy to which he seeks nomination.
8 Votes cast for a candidate shall be effective only for his nomination to the vacancy
9 for which he has given notice of candidacy as provided in this subsection.

10 ~~A person seeking party nomination for a specialized district judgeship established~~
11 ~~under G.S. 7A-147 shall, at the time of filing notice of candidacy, file with the State~~
12 ~~Board of Elections a written statement designating the specialized judgeship to which~~
13 ~~he seeks nomination.~~

14 (e) Withdrawal of Notice of Candidacy. -- Any person who has filed notice of
15 candidacy for an office shall have the right to withdraw it at any time prior to the
16 date on which the right to file for that office expires under the terms of subsection (c)
17 of this section. If a candidate does not withdraw before the filing deadline, except as
18 provided in G.S. 163-112, his name shall be printed on the primary ballot, any votes
19 for him shall be counted, and he shall not be refunded his filing fee.

20 (f) Candidates required to file their notice of candidacy with the State Board of
21 Elections under subsection (c) of this section shall file along with their notice a
22 certificate signed by the chairman of the board of elections or the director of
23 elections of the county in which they are registered to vote, stating that the person is
24 registered to vote in that county, stating the party with which the person is affiliated,
25 and that the person has not changed his affiliation from another party or from
26 unaffiliated within three months prior to the filing deadline under subsection (c) of
27 this section. In issuing such certificate, the chairman or director shall check the
28 registration records of the county to verify such information. During the period
29 commencing 36 hours immediately preceding the filing deadline the State Board of
30 Elections shall accept, on a conditional basis, the notice of candidacy of a candidate
31 who has failed to secure the verification ordered herein subject to receipt of
32 verification no later than three days following the filing deadline. The State Board of
33 Elections shall prescribe the form for such certificate, and distribute it to each county
34 board of elections no later than the last Monday in December of each odd-numbered
35 year.

36 (g) When any candidate files a notice of candidacy with a county board of
37 elections under subsection (c) of this section or under G.S. 163-291(2), the chairman
38 or director of elections shall, immediately upon receipt of the notice of candidacy,
39 inspect the registration records of the county, and cancel the notice of candidacy of
40 any person who is not eligible under subsection (c) of this section. The Board shall
41 give notice of cancellation to any candidate whose notice of candidacy has been
42 cancelled under this subsection by mail or by having the notice served on him by the
43 sheriff.

1 (h) No person may file a notice of candidacy for more than one office described
 2 in subsection (c) of this section for any one election. If a person has filed a notice of
 3 candidacy with a board of elections under this section for one office, then a notice of
 4 candidacy may not later be filed for any other office under this section when the
 5 election is on the same date unless the notice of candidacy for the first office is
 6 withdrawn under subsection (e) of this section; provided that this subsection shall not
 7 apply unless the deadline for filing notices of candidacy for both offices is the same.
 8 Notwithstanding this subsection, a person may file a notice of candidacy for a full
 9 term as United States Senator, and also file a notice of candidacy for the remainder
 10 of the unexpired term of that same seat in an election held under G.S. 163-12, and
 11 may file a notice of candidacy for a full term as a member of the United States House
 12 of Representatives, and also file a notice of candidacy for the remainder of the
 13 unexpired term in an election held under G.S. 163-13.

14 ~~(i) No person may file a notice of candidacy for superior court judge unless that~~
 15 ~~person is at the time of filing the notice of candidacy a resident of the judicial district~~
 16 ~~as it will exist at the time the person would take office if elected. No person may be~~
 17 ~~nominated as a superior court judge under G.S. 163-114 unless that person is at the~~
 18 ~~time of nomination a resident of the judicial district as it will exist at the time the~~
 19 ~~person would take office if elected. This subsection implements Article IV Section~~
 20 ~~9(1) of the North Carolina Constitution which requires regular Superior Court Judges~~
 21 ~~to reside in the district for which elected."~~

22 Section 4. G.S. 163-107(a) reads as rewritten:

23 "(a) Fee Schedule. -- At the time of filing a notice of candidacy, each candidate
 24 shall pay to the board of elections with which he files under the provisions of G.S.
 25 163-106 a filing fee for the office he seeks in the amount specified in the following
 26 tabulation:

27 Office Sought	Amount of Filing Fee
28 Governor	One percent (1%) of the annual salary of the office sought
29 Lieutenant Governor	One percent (1%) of the annual salary of the office sought
30 All State executive offices	One percent (1%) of the annual salary of the office sought
31 All Justices, Judges, and District Attorneys of the General Court of Justice other than superior <u>and</u> <u>district</u> court judge	One percent (1%) of the annual salary of the office sought
32 United States Senator	One percent (1%) of the annual salary of the office sought
33 Members of the United States House of Representatives	One percent (1%) of the annual salary of the office sought
34 State Senator	One percent (1%) of the annual

1		salary of the office sought
2	Member of the State House of	One percent (1%) of the annual
3	Representatives	salary of the office sought
4	All county offices not	One percent (1%) of the annual
5	compensated by fees	salary of the office sought
6	County commissioners, if	Ten dollars (\$10.00)
7	compensated entirely by fees	
8	Members of county board of	Five dollars (\$5.00)
9	education, if compensated	
10	entirely by fees	
11	Sheriff, if compensated	Forty dollars (\$40.00), plus one
12	entirely by fees	percent (1%) of the income of the
13		office above four thousand
14		dollars (\$4,000)
15	Clerk of superior court, if	Forty dollars (\$40.00), plus one
16	compensated entirely by fees	percent (1%) of the income of the
17		office above four thousand
18		dollars (\$4,000)
19	Register of deeds, if	Forty dollars (\$40.00), plus one
20	compensated entirely by fees	percent (1%) of the income of the
21		office above four thousand
22		dollars (\$4,000)
23	Any other county office, if	Twenty dollars (\$20.00), plus one
24	compensated entirely by fees	percent (1%) of the income of the
25		office above two thousand dollars
26		(\$2,000)
27	All county offices compensated	One percent (1%) of the first
28	partly by salary and partly	annual salary to be received
29	by fees	(exclusive of fees)."

30 Section 5. G.S. 163-111(c)(1) reads as rewritten:

31 "(1) A candidate who is apparently entitled to demand a second
 32 primary, according to the unofficial results, for one of the offices
 33 listed below, and desiring to do so, shall file a request for a second
 34 primary in writing or by telegram with the Executive Secretary-
 35 Director of the State Board of Elections no later than 12:00 noon
 36 on the seventh day (including Saturdays and Sundays) following
 37 the date on which the primary was conducted, and such request
 38 shall be subject to the certification of the official results by the
 39 State Board of Elections. If the vote certification by the State
 40 Board of Elections determines that a candidate who was not
 41 originally thought to be eligible to call for a second primary is in
 42 fact eligible to call for a second primary, the Executive Secretary-
 43 Director of the State Board of Elections shall immediately notify

1 such candidate and permit him to exercise any options available to
2 him within a 48-hour period following the notification:

3 Governor,
4 Lieutenant Governor,
5 All State executive officers,
6 Justices, Judges, or District Attorneys of the
7 General Court of Justice, other than
8 superior and district court judge,
9 United States Senators,
10 Members of the United States House of
11 Representatives,
12 State Senators in multi-county senatorial
13 districts, and
14 Members of the State House of Representatives
15 in multi-county representative districts."

16 Section 6. G.S. 163-140(a)(8) reads as rewritten:

17 "(8) Judicial ballot for superior and district court."

18 Section 7. G.S. 163-107.1(c) reads as rewritten:

19 "(c) County, Municipal and District Primaries. -- If the candidate is seeking one of
20 the offices set forth in G.S. 163-106(c) but which is not listed in subsection (b) of this
21 section, or a municipal or any other office requiring a partisan primary which is not
22 set forth in G.S. 163-106(c) or (d), he shall file a written petition with the appropriate
23 board of elections no later than 12:00 noon on Monday preceding the filing deadline
24 before the primary. The petition shall be signed by ten percent (10%) of the
25 registered voters of the election area in which the office will be voted for, who are
26 affiliated with the same political party in whose primary the candidate desires to run,
27 or in the alternative, the petition shall be signed by no less than 200 registered voters
28 regardless of said voter's political party affiliation, whichever requirement is greater.
29 The board of elections shall verify the names on the petition, and if the petition is
30 found to be sufficient, the candidate's name shall be printed on the appropriate
31 primary ballot. Petitions for candidates for member of the U.S. House of
32 Representatives, District Attorney, and ~~judge of the District Court~~ or members of the
33 State House of Representatives from multi-county districts or members of the State
34 Senate from multi-county districts must be presented to the county board of elections
35 for verification at least 15 days before the petition is due to be filed with the State
36 Board of Elections, and such petition must be filed with the State Board of Elections
37 no later than 12:00 noon on Monday preceding the filing deadline. The State Board
38 of Elections may adopt rules to implement this section and to provide standard
39 petition forms."

40 Section 8. G.S. 163-114 reads as rewritten:

41 "**§ 163-114. Filling vacancies among party nominees occurring after nomination and**
42 **before election.**

43 If any person nominated as a candidate of a political party for one of the offices
44 listed below (either in a primary or convention or by virtue of having no opposition

1 in a primary) dies, resigns, or for any reason becomes ineligible or disqualified before
 2 the date of the ensuing general election, the vacancy shall be filled by appointment
 3 according to the following instructions:

4		
5	Position	Vacancy is to be filled by
6	Any elective State office	appointment of State
7	United States Senator	executive committee of
8		political party in which
9		vacancy occurs
10	A district office, including:	
11	Member of the United States	
12	House of Representatives	
13	Judge of district court	Appropriate district executive
14	District Attorney	committee of political party
15	State Senator in a multi-	in which vacancy occurs
16	county senatorial district	
17	Member of State House of	
18	Representatives in a multi-	
19	county representative	
20	district	
21	State Senator in a single-	County executive committee
22	county senatorial district	of political party in which
23	Member of State House of	vacancy occurs, provided, in
24	Representatives in a	the case of the State
25	single-county	Senator or State
26	representative district	Representative in a
27	Any elective county office	single-county district where
28		not all the county is
29		located in that district,
30		then in voting, only those
31		members of the county
32		executive committee who
33		reside within the
34		district shall vote
35		

36 The party executive making a nomination in accordance with the provisions of this
 37 section shall certify the name of its nominee to the chairman of the board of
 38 elections, State or county, charged with the duty of printing the ballots on which the
 39 name is to appear. If at the time a nomination is made under this section the general
 40 election ballots have already been printed, the provisions of G.S. 163-139 shall apply.
 41 If any person nominated as a candidate of a political party vacates such nomination
 42 and such vacancy arises from a cause other than death and the vacancy in nomination
 43 occurs more than 120 days before the general election, the vacancy in nomination
 44 may be filled under this section only if the appropriate executive committee certifies

1 the name of the nominee in accordance with this paragraph at least 75 days before
2 the general election.

3 In a county not all of which is located in one congressional district, in choosing the
4 congressional district executive committee member or members from that area of the
5 county, only the county convention delegates or county executive committee
6 members who reside within the area of the county which is within the congressional
7 district may vote.

8 In a county which is partly in a multi-county senatorial district or which is partly
9 in a multi-county House of Representatives district, in choosing that county's member
10 or members of the senatorial district executive committee or House of
11 Representatives district executive committee for the multi-county district, only the
12 county convention delegates or county executive committee members who reside
13 within the area of the county which is within that multi-county district may vote."

14 Section 9. G.S. 163-135(f) reads as rewritten:

15 "(f) Judicial Elections. -- Except as provided by Article 25 of this Chapter, this
16 Article shall apply to and control all elections for judges of the ~~superior court.~~
17 superior and district courts."

18 Section 10. G.S. 163-140(b)(9) reads as rewritten:

19 "(9) Judicial ballot for superior and district court. The form of the
20 judicial ballot for judges of the superior court and district court
21 shall be prepared by the county board of elections. On the face of
22 the ballot, shall be printed instructions for marking the voter's
23 choice, in addition to the following instruction: "If you tear or
24 deface or wrongly mark this ballot, return it and get another." On
25 the bottom of the ballot shall be printed an identified facsimile of
26 the signature of the chairman of the responsible county board of
27 elections. This ballot may not be combined with any other ballot
28 except another judicial ballot."

29 Section 11. G.S. 163-191 reads as rewritten:

30 "**§ 163-191. Contested primaries and elections; how tie broken.**

31 In a primary for party nomination for one or more of the offices to be canvassed
32 by the State Board of Elections under the provisions of G.S. 163-187, the results shall
33 be determined in accordance with the provisions of G.S. 163-111.

34 In a general election for one or more of the offices to be canvassed by the State
35 Board of Elections under the provisions of G.S. 163-187, the persons having the
36 highest number of votes for each office, respectively, shall be declared duly elected to
37 that office by the State Board of Elections. But if two or more be equal and highest
38 in votes for the office, then the State Board of Elections shall order a new election
39 for the purpose of breaking the tie except if there is a tie for superior or district court
40 judge the tie shall be broken in accordance with Article 25 of this Chapter."

41 Section 12. This act is effective when it becomes law.

**1999 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES**

The following report(s) from standing committee(s) is/are presented:

By Representative(s) **Culpepper** for the Committee on **RULES, CALENDAR AND OPERATIONS OF THE HOUSE.**

- Committee Substitute for
S.B. 690 A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR NONPARTISAN
ELECTION OF DISTRICT COURT JUDGES.
- With a favorable report.
- With a favorable report and recommendation that the bill be re-referred to the Committee on
Appropriations Finance .
- With a favorable report, as amended.
- With a favorable report, as amended, and recommendation that the bill be re-referred to the
Committee on Appropriations Finance .
- With a favorable report as to committee substitute bill (#), which changes the title,
unfavorable as to (original bill) (Committee Substitute Bill #), (and recommendation
that the committee substitute bill #) be re-referred to the Committee on .)
- With a favorable report as to House committee substitute bill (#), which changes
the title, unfavorable as to Senate committee substitute bill.
- With an unfavorable report.
- With recommendation that the House concur.
- With recommendation that the House do not concur.
- With recommendation that the House do not concur; request conferees.
- With recommendation that the House concur; committee believes bill to be material.
- With an unfavorable report, with a Minority Report attached.
- Without prejudice.
- With an indefinite postponement report.
- With an indefinite postponement report, with a Minority Report attached.
- With recommendation that it be adopted. (HOUSE RESOLUTION ONLY)

2/24/99

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1999

S

1

SENATE BILL 365

Short Title: Obsolete Agriculture Statutes.

(Public)

Sponsors: Senators Albertson; Harris, Kerr, and Warren.

Referred to: Agriculture/Environment/Natural Resources.

March 15, 1999

- 1 A BILL TO BE ENTITLED
2 AN ACT TO REPEAL CERTAIN OBSOLETE AGRICULTURAL STATUTES.
3 The General Assembly of North Carolina enacts:
4 Section 1. G.S. 81A-41 is repealed.
5 Section 2. G.S. 81A-44 is repealed.
6 Section 3. Article 37 of Chapter 106 of the General Statutes is repealed.
7 Section 4. G.S. 106-456 through G.S. 106-460 are repealed.
8 Section 5. Article 41 of Chapter 106 of the General Statutes is repealed.
9 Section 6. Article 59 of Chapter 106 of the General Statutes is repealed.
10 Section 7. Article 60 of Chapter 106 of the General Statutes is repealed.
11 Section 8. This act is effective when it becomes law.

**1999 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES**

The following report(s) from standing committee(s) is/are presented:

By Representative(s) **Culpepper** for the Committee on **RULES, CALENDAR, AND OPERATIONS OF THE HOUSE.**

- House Committee Substitute for
S.B. 365 A BILL TO BE ENTITLED AN ACT TO PROHIBIT DEATH ROW INMATES FROM CONTACTING THE FAMILIES OF THEIR VICTIMS.
- With a favorable report.
- With a favorable report and recommendation that the bill be re-referred to the Committee on Appropriations Finance .
- With a favorable report, as amended.
- With a favorable report, as amended, and recommendation that the bill be re-referred to the Committee on Appropriations Finance .
- With a favorable report as to House committee substitute bill which changes the title, unfavorable as to (original bill)
- With a favorable report as to House committee substitute bill (#), which changes the title, unfavorable as to Senate committee substitute bill.
- With an unfavorable report.
- With recommendation that the House concur.
- With recommendation that the House do not concur.
- With recommendation that the House do not concur; request conferees.
- With recommendation that the House concur; committee believes bill to be material.
- With an unfavorable report, with a Minority Report attached.
- Without prejudice.
- With an indefinite postponement report.
- With an indefinite postponement report, with a Minority Report attached.
- With recommendation that it be adopted. (HOUSE RESOLUTION ONLY)

2/24/99

VISITOR REGISTRATION SHEET

Rules Committee

7-14-99

VISITORS: PLEASE SIGN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY
1. <u>Cam Cues</u>	<u>BPMHL</u>
2. <u>Robin Allen</u>	<u>CLA</u>
3. <u>John Pollock</u>	<u>AT&T</u>
4. <u>Anne Selu</u>	<u>The News Observer</u>
5. <u>Steve Woodson</u>	<u>NC Farm Bureau</u>
6. <u>Henry Jones</u>	<u>Attorney - Raleigh</u>
7. <u>Crisis Porter</u>	<u>Fore and Associates</u>
8. <u>J. H. James</u>	<u>NCSIS</u>
9. <u>Susan Valenti</u>	<u>Nationwide</u>
10. <u>Jan McMillan</u>	<u>MFS</u>
11. <u>Roz Schwitt</u>	<u>MECC</u>
12. <u>Leanne Winner</u>	<u>NC SBA</u>
13. <u>Adam Seaving</u>	<u>NCHAQ</u>
14. <u>John King</u>	<u>NCFPC</u>
15. <u>Paul Winer</u>	<u>NCCJDC</u>
16. <u>Bill Holm</u>	<u>DEVR</u>
17. <u>Gene Upchurch</u>	<u>Friend of Bob Kaylor (with friends like that...)</u>
18. <u>John McAlister</u>	<u>Duke Energy</u>
19. <u>RW Kaylor</u>	<u>Kaylor Jim (now to me)</u>
20. <u>Nat Mad</u>	<u>CCVP</u>
21. <u>Resid Bewaeger</u>	<u>NCOB I</u>
<u>USA REYES</u>	<u>THE INSIDER</u>

VISITOR REGISTRATION SHEET

VISITORS: PLEASE SIGN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY
1. <u>Stacy Flanagan</u>	<u>NCHCFH</u>
2. <u>Deborah King</u>	<u>AHL</u>
3. <u>Annmarie Williams</u>	<u>NCRCS</u>
4. <u>Danby Elan</u>	<u>NCRMA</u>
5. <u>Alan Miles</u>	<u>Barley & Dixon</u>
6. <u>Mike Condit</u>	<u>NCRCA</u>
7. <u>William C. Cletton</u>	<u>NCHH</u>
8. <u>Ric Flinn</u>	<u>Robert Bay</u>
9. <u>Bill Mercer</u>	<u>Leonard Mercer & Assoc.</u>
10. _____	_____
11. _____	_____
12. _____	_____
13. _____	_____
14. _____	_____
15. _____	_____
16. _____	_____
17. _____	_____
18. _____	_____
19. _____	_____
20. _____	_____
21. _____	_____
22. _____	_____
23. _____	_____
24. _____	_____
25. _____	_____
26. _____	_____
27. _____	_____
28. _____	_____
29. _____	_____
30. _____	_____
31. _____	_____

AGENDA

**HOUSE COMMITTEE ON RULES, CALENDAR AND
OPERATIONS OF THE HOUSE**

**July 15, 1999
Room 2305 LB
4:00 PM**

OPENING REMARKS

Representative Culpepper, Chairman

CONSIDERATION OF BILLS

ACTION TAKEN ON BILLS

ADJOURNMENT

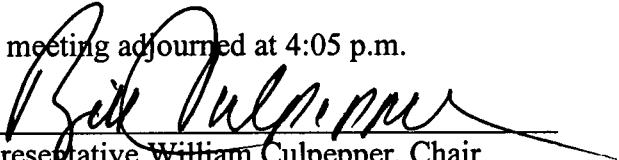
Minutes
COMMITTEE ON
RULES, CALENDAR AND OPERATIONS OF THE HOUSE
July 15, 1999

The Committee on Rules, Calendar and Operations of the House met immediately after the adjournment of the House session in Room 2305 of the Legislative Building. Representative Culpepper, Chair, called the meeting to order at 4:00 p.m. The following members were present: Representatives Gulley, Hill, Luebke, McCombs, Tolson, Wood and Yongue. Representative Culpepper announced that the meeting would be brief because there were only two bills to consider.

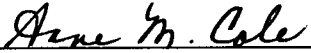
Senate Bill 735 –PROHIBIT MEMBERS OF THE GENERAL ASSEMBLY FROM SERVING ON THE BOARD OF TRUSTEES OF A COMMUNITY COLLEGE was before the committee for consideration. Senator Albertson is the bill sponsor. Representative Yongue moved to report the bill without prejudice. Motion carried.

Senate Committee Substitute for House Bill 939 – RAISE SMALL CLAIMS AMOUNT was before the committee for concurrence. Representative Hill moved that the House do not concur and request conferees. Motion carried.

The meeting adjourned at 4:05 p.m.



Representative William Culpepper, Chair



Anne M. Cole, Acting Committee Assistant

Attachments:
Committee reports
SB 735
HB 939

**1999 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES**

The following report(s) from standing committee(s) is/are presented:

By Representative(s) **Culpepper** for the Committee on **RULES, CALENDAR AND OPERATIONS OF THE HOUSE.**

- Committee Substitute for
S.B. 735 A BILL TO BE ENTITLED AN ACT TO PROHIBIT MEMBERS OF THE
GENERAL ASSEMBLY FROM SERVING ON THE BOARD OF TRUSTEES OF A
COMMUNITY COLLEGE.
- With a favorable report.
- With a favorable report and recommendation that the bill be re-referred to the Committee on
Appropriations Finance .
- With a favorable report, as amended.
- With a favorable report, as amended, and recommendation that the bill be re-referred to the
Committee on Appropriations Finance .
- With a favorable report as to committee substitute bill (#), which changes the title,
unfavorable as to (original bill) (Committee Substitute Bill #), (and recommendation
that the committee substitute bill #) be re-referred to the Committee on .)
- With a favorable report as to House committee substitute bill (#), which changes
the title, unfavorable as to Senate committee substitute bill.
- With an unfavorable report.
- With recommendation that the House concur.
- With recommendation that the House do not concur.
- With recommendation that the House do not concur; request conferees.
- With recommendation that the House concur; committee believes bill to be material.
- With an unfavorable report, with a Minority Report attached.
- Without prejudice.
- With an indefinite postponement report.
- With an indefinite postponement report, with a Minority Report attached.
- With recommendation that it be adopted. (HOUSE RESOLUTION ONLY)

2/24/99

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 1999

H

3

HOUSE BILL 939
Committee Substitute Favorable 4/21/99
Senate Judiciary II Committee Substitute Adopted 7/12/99

Short Title: Raise Small Claims Amount.

(Public)

Sponsors:

Referred to:

April 7, 1999

1 A BILL TO BE ENTITLED
2 AN ACT TO INCREASE THE AMOUNT THAT MAY BE IN CONTROVERSY
3 IN SMALL CLAIMS COURT AND GIVE MAGISTRATES WHO ARE
4 ATTORNEYS THAT ARE LICENSED TO PRACTICE LAW IN NORTH
5 CAROLINA ADDITIONAL AUTHORITY TO ACCEPT BINDING WAIVERS
6 OF COUNSEL IN CRIMINAL CASES AND CIVIL CONTEMPT CASES.
7 The General Assembly of North Carolina enacts:
8 Section 1. G.S. 7A-210 reads as rewritten:
9 **"§ 7A-210. Small claim action defined.**
10 For purposes of this Article a small claim action is a civil action wherein:
11 (1) The amount in controversy, computed in accordance with G.S.
12 7A-243, does not exceed ~~three thousand dollars (\$3,000)~~; four
13 thousand dollars (\$4,000); and
14 (2) The only principal relief prayed is monetary, or the recovery of
15 specific personal property, or summary ejectment, or any
16 combination of the foregoing in properly joined claims; and
17 (3) The plaintiff has requested assignment to a magistrate in the
18 manner provided in this Article.
19 The seeking of the ancillary remedy of claim and delivery or an order from the
20 clerk of superior court for the relinquishment of property subject to a lien pursuant
21 to G.S 44A-4(a) does not prevent an action otherwise qualifying as a small claim
22 under this Article from so qualifying."

1 Section 2. G.S. 7A-273 reads as rewritten:

2 "§ 7A-273. Powers of magistrates in infractions or criminal actions.

3 (a) In criminal actions or infractions, any magistrate has power:

4 (1) In infraction cases in which the maximum penalty that can be
5 imposed is not more than fifty dollars (\$50.00), exclusive of costs,
6 or in Class 3 misdemeanors, other than the types of infractions and
7 misdemeanors specified in subdivision (2) of this ~~section;~~
8 ~~subsection,~~ to accept guilty pleas or admissions of responsibility
9 and enter judgment;

10 (2) In misdemeanor or infraction cases involving alcohol offenses
11 under Chapter 18B of the General Statutes, traffic offenses,
12 hunting, fishing, State park and recreation area rule offenses under
13 Chapter 113 of the General Statutes, boating offenses under
14 Chapter 75A of the General Statutes, and littering offenses under
15 G.S. 14-399(c), to accept written appearances, waivers of trial or
16 hearing and pleas of guilty or admissions of responsibility, in
17 accordance with the schedule of offenses and fines or penalties
18 promulgated by the Conference of Chief District Judges pursuant
19 to G.S. 7A-148, and in such cases, to enter judgment and collect
20 the fines or penalties and costs;

21 (3) To issue arrest warrants valid throughout the State;

22 (4) To issue search warrants valid throughout the county;

23 (5) To grant bail before trial for any noncapital offense;

24 (6) Notwithstanding the provisions of subdivision (1) of this section, to
25 hear and enter judgment as the chief district judge shall direct in
26 all worthless check cases brought under G.S. 14-107, when the
27 amount of the check is two thousand dollars (\$2,000) or less.
28 Provided, however, that under this section magistrates may not
29 impose a prison sentence longer than 30 days;

30 (7) To conduct an initial appearance as provided in G.S. 15A-511; and

31 (8) To accept written appearances, waivers of trial and pleas of guilty
32 in violations of G.S. 14-107 when the amount of the check is two
33 thousand dollars (\$2,000) or less, restitution, including service
34 charges and processing fees allowed by G.S. 14-107, is made, and
35 the warrant does not charge a fourth or subsequent violation of this
36 statute, and in these cases to enter judgments as the chief district
37 judge directs.

38 (9) Repealed by Session Laws 1991 (Regular Session, 1992), c. 900, s.
39 118(d).

40 (b) In criminal actions or infractions, a magistrate who is licensed to practice law
41 in this State has the additional authority, if so assigned by the chief district court
42 judge and subject to any limitations imposed by the chief district court judge:

43 (1) To accept binding waivers of counsel in criminal cases."

44 Section 3. G.S. 7A-292 reads as rewritten:

1 "§ 7A-292. Additional powers of magistrates.

2 (a) In addition to the jurisdiction and powers assigned in this Chapter to the
3 magistrate in civil and criminal actions, each magistrate has the following additional
4 powers:

- 5 (1) To administer oaths;
- 6 (2) To punish for direct criminal contempt subject to the limitations
7 contained in Chapter 5A of the General Statutes of North
8 Carolina;
- 9 (3) When authorized by the chief district judge, to take depositions
10 and examinations before trial;
- 11 (4) To issue subpoenas and capiases valid throughout the county;
- 12 (5) To take affidavits for the verification of pleadings;
- 13 (6) To issue writs of habeas corpus ad testificandum, as provided in
14 G.S. 17-41;
- 15 (7) To assign a year's allowance to the surviving spouse and a child's
16 allowance to the children as provided in Chapter 30, Article 4, of
17 the General Statutes;
- 18 (8) To take acknowledgments of instruments, as provided in G.S. 47-1;
- 19 (9) To perform the marriage ceremony, as provided in G.S. 51-1;
- 20 (10) To take acknowledgment of a written contract or separation
21 agreement between husband and wife; and
- 22 (11) Repealed by Session Laws 1973, c. 503, s. 9.
- 23 (12) To assess contribution for damages or for work done on a dam,
24 canal, or ditch, as provided in G.S. 156-15.
- 25 (13) Repealed by Session Laws 1973, c. 503, s. 9.

26 (b) In addition to the jurisdiction and powers assigned in this Chapter to the
27 magistrate in civil and criminal actions, a magistrate who is licensed to practice law
28 in this State has the additional authority, if so assigned by the chief district court
29 judge and subject to any limitations imposed by the chief district court judge:

- 30 (1) To accept binding waivers of counsel in civil contempt cases."

31 Section 4. This act becomes effective October 1, 1999, and applies to
32 claims filed for causes of action arising on or after that date.

**1999 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES**

The following report(s) from standing committee(s) is/are presented:

By Representative(s) **Culpepper** for the Committee on **RULES, CALENDAR AND OPERATIONS OF THE HOUSE.**

Senate Committee Substitute for

H.B. 939 A BILL TO BE ENTITLED AN ACT TO INCREASE THE AMOUNT THAT MAY BE IN CONTROVERSY IN SMALL CLAIMS COURT AND GIVE MAGISTRATES WHO ARE ATTORNEYS THAT ARE LICENSED TO PRACTICE LAW IN NORTH CAROLINA ADDITIONAL AUTHORITY TO ACCEPT BINDING WAIVERS OF COUNSEL IN CRIMINAL CASES AND CIVIL CONTEMPT CASES.

- With a favorable report.
- With a favorable report and recommendation that the bill be re-referred to the Committee on Appropriations Finance .
- With a favorable report, as amended.
- With a favorable report, as amended, and recommendation that the bill be re-referred to the Committee on Appropriations Finance .
- With a favorable report as to committee substitute bill (#), which changes the title, unfavorable as to (original bill) (Committee Substitute Bill #), (and recommendation that the committee substitute bill #) be re-referred to the Committee on .)
- With a favorable report as to House committee substitute bill (#), which changes the title, unfavorable as to Senate committee substitute bill.
- With an unfavorable report.
- With recommendation that the House concur.
- With recommendation that the House do not concur.
- With recommendation that the House do not concur; request conferees.
- With recommendation that the House concur; committee believes bill to be material.
- With an unfavorable report, with a Minority Report attached.
- Without prejudice.
- With an indefinite postponement report.
- With an indefinite postponement report, with a Minority Report attached.
- With recommendation that it be adopted. (HOUSE RESOLUTION ONLY)

2/24/99

July 4:00

Rules - July 15, 1999
In members Room -

Members Only

Culpeper

- Alexander ✓
- Allen ✓
- B-McIntyre ✓
- Crawford ✓
- Cunningham
- Fitch ✓
- Richson ✓
- ✓ Bulley ✓
- ✓ Hill ✓
- Garrett ✓
- ✓ Luebke ✓
- ✓ McCombs ✓
- McMahon ✓
- Michaux ✓
- Nye ✓
- Ramsey ✓
- ✓ Tolson ✓
- ✓ Thresh ✓
- Throught ✓
- ✓ Younger ✓

Immediately after session

Meeting called to order
 SB 735 -
 Without
 Younger SB 735 -
 without Pres

SB 939 -

Hill Do not Concur, and
 Confers he oppo.

The Committee on _____
 a majority being present, having considered
 this bill, recommend that it do _____ pass.

For the Committee

AGENDA

**HOUSE COMMITTEE ON RULES, CALENDAR AND
OPERATIONS OF THE HOUSE**

**July 19, 1999
Room 421 LOB
1:00 PM**

OPENING REMARKS

Representative Culpepper, Chairman

CONSIDERATION OF BILLS

ACTION TAKEN ON BILLS

ADJOURNMENT

MINUTES OF THE COMMITTEE ON RULES, CALENDAR AND OPERATIONS OF
THE HOUSE

July 19, 1999

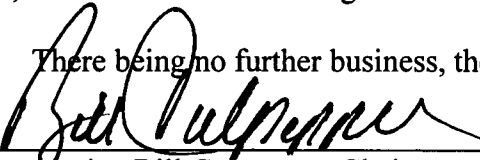
The Committee on Rules, Calendar and Operations of the House met on July 19, 1999, at 1:00 p.m. in Room 421 of the Legislative Office Building. The following members were present: Chairman Culpepper; Vice Chairman Hackney; Alexander, Allen, Boyd-McIntyre, Crawford, Gibson, Gulley, Hill, Luebke, McCombs, McMahan, Tolson, and Yongue.

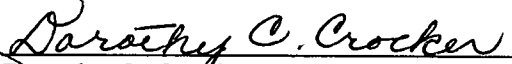
The following bills were considered:

House Bill 163 – A BILL TO BE ENTITLED AN ACT TO ENACT THE UNIFORM TRANSFER ON DEATH (TOD) SECURITY REGISTRATION ACT AS RECOMMENDED BY THE GENERAL STATUTES COMMISSION. A proposed committee substitute was offered changing the title to AN ACT TO AUTHORIZE STUDIES BY THE LEGISLATIVE RESEARCH COMMISSION, TO CREATE VARIOUS STUDY COMMISSIONS, AND TO DIRECT STATE AGENCIES AND LEGISLATIVE OVERSIGHT COMMITTEES AND COMMISSION TO STUDY SPECIFIED ISSUES. Representative Crawford moved for adoption of the proposed committee substitute. The motion carried. Linwood Jones, staff attorney, explained the bill, and Representative Hackney moved to give the proposed committee substitute a favorable report, unfavorable to the original bill. The motion passed.

Senate Bill 247 – A BILL TO BE ENTITLED AN ACT TO ENCOURAGE PRESCRIBED BURNING FOR FORESTRY AND WILDLIFE PURPOSES UNDER CERTAIN CONDITIONS. Representative Hackney moved for adoption of a proposed committee substitute which changed the title to AN ACT TO WITHDRAW NORTH CAROLINA FROM THE SOUTHEAST INTERSTATE LOW-LEVEL RADIOACTIVE WASTE MANAGEMENT COMPACT, TO LIMIT THE AUTHORITY OF THE LOW-LEVEL RADIOACTIVE WASTE MANAGEMENT AUTHORITY AND TO DIRECT THE RADIATION PROTECTION COMMISSION TO STUDY AND FORMULATE A PLAN FOR LOW-LEVEL RADIOACTIVE WASTE MANAGEMENT. The motion passed. Representative Miller explained the proposed committee substitute. Dane Brown who serves as a member of the Compact Commission, also spoke on the bill. Representative Hackney moved to give the proposed committee substitute a favorable report, unfavorable as to the original bill. The motion carried.

There being no further business, the meeting adjourned at 1:15 p.m.


Representative Bill Culpepper, Chairman


Dorothy C. Crocker, Committee Assistant

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1999

H

1

HOUSE BILL 163*

Short Title: Securities Transfer on Death/AB.

(Public)

Sponsors: Representative Culpepper.

Referred to: Rules, Calendar and Operations of the House.

February 25, 1999

1 A BILL TO BE ENTITLED
2 AN ACT TO ENACT THE UNIFORM TRANSFER ON DEATH (TOD)
3 SECURITY REGISTRATION ACT AS RECOMMENDED BY THE GENERAL
4 STATUTES COMMISSION.

5 The General Assembly of North Carolina enacts:

6 Section 1. The General Statutes are amended by rewriting the title of
7 Chapter 41 to read "Estates and Interests in Property", and Chapter 41 of the General
8 Statutes is amended by adding a new Article to read:

9 "ARTICLE 4.
10 "The Uniform Transfer on Death (TOD)
11 Security Registration Act.

12 "§ 41-40. Definitions.

13 In this Article, unless the context otherwise requires:

- 14 (1) 'Beneficiary form' means a registration of a security which
15 indicates the present owner of the security and the intention of the
16 owner regarding the person who will become the owner of the
17 security upon the death of the owner.
18 (2) 'Devisee' means any person designated in a will to receive a
19 disposition of real or personal property.
20 (3) 'Heirs' means those persons, including the surviving spouse, who
21 are entitled under Chapter 29 of the General Statutes or the
22 statutes of intestate succession of other states to take the property
23 of a decedent by intestate succession.

- 1 (4) 'Person' means an individual, a corporation, an organization, or
2 other legal entity.
- 3 (5) 'Personal representative' includes executor, administrator,
4 collector, successor personal representative, special administrator,
5 and persons who perform substantially the same function under the
6 law governing their status.
- 7 (6) 'Property' includes both real and personal property or any interest
8 in real or personal property and means anything that may be the
9 subject of ownership.
- 10 (7) 'Register', including its derivatives, means to issue a certificate
11 showing the ownership of a certificated security or, in the case of
12 an uncertificated security, to initiate or transfer an account
13 showing ownership of securities.
- 14 (8) 'Registering entity' means a person who originates or transfers a
15 security title by registration and includes a broker maintaining
16 security accounts for customers and a transfer agent or other
17 person acting for or as an issuer of securities.
- 18 (9) 'Security' means a share, participation, or other interest in
19 property, in a business, or in an obligation of an enterprise or
20 other issuer, and includes a certificated security, an uncertificated
21 security, a security account, and a security entitlement as defined
22 in G.S. 25-8-102.
- 23 (10) 'Security account' means (i) a reinvestment account associated
24 with a security, a securities account with a broker, a cash balance
25 in a brokerage account, cash, interest, earnings, or dividends
26 earned or declared on a security in an account, a reinvestment
27 account, or a brokerage account, whether or not credited to the
28 account before the owner's death, or (ii) a cash balance or other
29 property held for or due to the owner of a security as a
30 replacement for or product of an account security, whether or not
31 credited to the account before the owner's death.
- 32 (11) 'State' includes any state of the United States, the District of
33 Columbia, the Commonwealth of Puerto Rico, and any territory or
34 possession subject to the legislative authority of the United States.

35 **"§ 41-41. Registration in beneficiary form; sole or joint tenancy ownership.**

36 Only individuals whose registration of a security shows sole ownership by one
37 individual or multiple ownership by two or more individuals with right of
38 survivorship, rather than as tenants in common, may obtain registration in beneficiary
39 form. Multiple owners of a security registered in beneficiary form hold as joint
40 tenants with right of survivorship, as tenants by the entireties, or as owners of
41 community property held in survivorship form, and not as tenants in common.

42 **"§ 41-42. Registration in beneficiary form; applicable law.**

43 A security may be registered in beneficiary form if the form is authorized by this
44 or a similar statute of the state of organization of the issuer or registering entity, the

1 location of the registering entity's principal office, the office of its transfer agent or its
2 office making the registration, or by this or a similar statute of the law of the state
3 listed as the owner's address at the time of registration. A registration governed by
4 the law of a jurisdiction in which this or similar legislation is not in force or was not
5 in force when a registration in beneficiary form was made is nevertheless presumed to
6 be valid and authorized as a matter of contract law.

7 **"§ 41-43. Origination of registration in beneficiary form.**

8 A security, whether evidenced by certificate or account, is registered in beneficiary
9 form when the registration includes a designation of a beneficiary to take the
10 ownership at the death of the owner or the deaths of all multiple owners.

11 **"§ 41-44. Form of registration in beneficiary form.**

12 Registration in beneficiary form may be shown by the words 'transfer on death' or
13 the abbreviation 'TOD', or by the words 'pay on death' or the abbreviation 'POD',
14 after the name of the registered owner or owners and before the name of a
15 beneficiary.

16 **"§ 41-45. Effect of registration in beneficiary form.**

17 The designation of a TOD beneficiary on a registration in beneficiary form has no
18 effect on ownership of the security until the owner's death. A registration of a
19 security in beneficiary form may be cancelled or changed at any time by the sole
20 owner or all then-surviving owners, without the consent of the beneficiary.

21 **"§ 41-46. Ownership on death of owner.**

22 On death of a sole owner or the last to die of all multiple owners, ownership of
23 securities registered in beneficiary form passes to the beneficiary or beneficiaries who
24 survive all owners. On proof of death of all owners and compliance with any
25 applicable requirements of the registering entity, a security registered in beneficiary
26 form may be reregistered in the name of the beneficiary or beneficiaries who survive
27 the death of all owners. Until division of the security after the death of all owners,
28 multiple beneficiaries surviving the death of all owners hold their interests as tenants
29 in common. If no beneficiary survives the death of all owners, the security belongs to
30 the estate of the deceased sole owner or the estate of the last to die of all multiple
31 owners.

32 **"§ 41-47. Protection of registering entity.**

33 (a) A registering entity is not required to offer or to accept a request for security
34 registration in beneficiary form. If a registration in beneficiary form is offered by a
35 registering entity, the owner requesting registration in beneficiary form assents to the
36 protections given to the registering entity by this Article.

37 (b) By accepting a request for registration of a security in beneficiary form, the
38 registering entity agrees that the registration will be implemented on death of the
39 deceased owner as provided in this Article.

40 (c) A registering entity is discharged from all claims to a security by the estate,
41 creditors, heirs, or devisees of a deceased owner if it registers a transfer of a security
42 in accordance with G.S. 41-46 and does so in good faith reliance (i) on the
43 registration, (ii) on this Article, and (iii) on information provided to it by affidavit of
44 the personal representative of the deceased owner, or by the surviving beneficiary or

1 by the surviving beneficiary's representatives, or other information available to the
2 registering entity. The protections of this Article do not extend to a reregistration or
3 payment made after a registering entity has received written notice from any claimant
4 to any interest in the security objecting to implementation of a registration in
5 beneficiary form. No other notice or other information available to the registering
6 entity affects its right to protection under this Article.

7 (d) The protection provided by this Article to the registering entity of a security
8 does not affect the rights of beneficiaries in disputes between themselves and other
9 claimants to ownership of the security transferred or its value or proceeds.

10 **"§ 41-48. Nontestamentary transfer on death.**

11 (a) A transfer on death resulting from a registration in beneficiary form is
12 effective by reason of the contract regarding the registration between the owner and
13 the registering entity and this Article and is not testamentary.

14 (b) The interest of a deceased owner when there are one or more surviving
15 owners remains liable for the debts of the decedent in the same manner as the
16 personal property included in the decedent's estate, and recovery of that interest shall
17 be made from the surviving owner or owners when the decedent's estate is
18 insufficient to satisfy the debts. The interest of a deceased sole owner, or the last to
19 die of several owners, remains liable for the debts of the decedent in the same
20 manner as the personal property included in the decedent's estate, and recovery of
21 that interest shall be made from the TOD beneficiary when the decedent's estate is
22 insufficient to satisfy the debts.

23 (c) This Article does not repeal or modify any provisions of the law relating to
24 estate or inheritance taxes.

25 **"§ 41-49. Terms, conditions, and forms for registration.**

26 (a) A registering entity offering to accept registrations in beneficiary form may
27 establish the terms and conditions under which it will receive requests (i) for
28 registrations in beneficiary form, and (ii) for implementation of registrations in
29 beneficiary form, including requests for cancellation of previously registered TOD
30 beneficiary designations and requests for reregistration to effect a change of
31 beneficiary. The terms and conditions established may provide for proving death,
32 avoiding or resolving any problems concerning fractional shares, and designating
33 primary and contingent beneficiaries. Forms of identifying beneficiaries who are to
34 take on one or more contingencies and rules for providing proofs and assurances
35 needed to satisfy reasonable concerns by registering entities regarding conditions and
36 identities relevant to accurate implementation of registrations in beneficiary form may
37 be contained in a registering entity's terms and conditions.

38 (b) The following are illustrations of registrations in beneficiary form which a
39 registering entity may authorize:

- 40 (1) Sole owner-sole beneficiary: 'John S. Brown TOD (or POD) John
41 S. Brown, Jr.'
42 (2) Multiple owners-sole beneficiary: 'John S. Brown, Mary B. Brown
43 JT TEN TOD John S. Brown, Jr.'

1 (3) Multiple owners-primary and secondary (substituted) beneficiaries:
2 'John S. Brown, Mary B. Brown JT TEN TOD John S. Brown, Jr.
3 SUB BENE Peter O. Brown'.

4 "§ 41-50. Short title; rules of construction.

5 (a) This Article shall be known as and may be cited as the 'Uniform TOD
6 Security Registration Act'.

7 (b) This Article shall be applied and construed to effectuate its general purposes
8 and to make uniform the laws with respect to the subject of this Article among states
9 enacting it.

10 (c) This Article does not repeal G.S. 41-2.2.

11 "§ 41-51. Application of Article.

12 This Article applies to registrations of securities in beneficiary form made before,
13 on, or after the effective date of this Article by decedents dying on or after the
14 effective date of this Article."

15 Section 2. G.S. 28A-15-10(a) reads as rewritten:

16 (a) When needed to satisfy claims against a decedent's estate, assets may be
17 acquired by a personal representative or collector from the following sources:

18 (1) Tentative trusts created by the decedent in savings accounts for
19 other ~~persons~~; persons.

20 (2) Gifts causa mortis made by the ~~decedent~~; decedent.

21 (3) Joint deposit accounts with right of survivorship created by
22 decedent pursuant to the provisions of G.S. 41-2.1 or otherwise;
23 and joint tenancies with right of survivorship created by decedent
24 in corporate stocks or other investment securities.

25 (4) An interest in a security passing to a beneficiary pursuant to the
26 provisions of Article 4 of Chapter 41 of the General Statutes.

27 Such assets shall be acquired solely for the purpose of satisfying such claims,
28 however, and shall not be available for distribution to heirs or devisees."

29 Section 3. The Revisor of Statutes shall cause to be printed along with
30 this act all relevant portions of the Official Commentary to the Uniform TOD
31 Security Registration Act and all explanatory comments of the drafters of this act as
32 the Revisor may deem appropriate.

33 Section 4. This act is effective when it becomes law.

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1999

D

H

HOUSE BILL 163*
Proposed Committee Substitute H163-PCSA170-RN

Short Title: 1999 Studies.

(Public)

Sponsors:

Referred to:

February 25, 1999

1 A BILL TO BE ENTITLED
2 AN ACT TO AUTHORIZE STUDIES BY THE LEGISLATIVE RESEARCH
3 COMMISSION, TO CREATE VARIOUS STUDY COMMISSIONS, AND TO
4 DIRECT STATE AGENCIES AND LEGISLATIVE OVERSIGHT
5 COMMITTEES AND COMMISSIONS TO STUDY SPECIFIED ISSUES.
6 The General Assembly of North Carolina enacts:

7
8 PART I.----TITLE

9 Section 1. This act shall be known as "The Studies Act of 1999".

10
11 PART II.----LEGISLATIVE RESEARCH COMMISSION

12 Section 2.1. The Legislative Research Commission may study the topics
13 listed below. When applicable, the bill or resolution that originally proposed the
14 issue or study and the name of the sponsor is listed. Unless otherwise specified, the
15 listed bill or resolution refers to the measure introduced in the 1999 Regular Session
16 of the 1999 General Assembly. The Commission may consider the original bill or
17 resolution in determining the nature, scope, and aspects of the study. The following
18 groupings are for reference only:

- 19 (1) Governmental Agency and Personnel Issues:
20 a. Defined contribution pension plan for State employees and
21 teachers (H.B. 39 - Baker).
22 b. Child care subsidies for State employees, State-funded child
23 care facilities, and impact of new system of child care

- 1 subsidy market rate reimbursement to child care providers
2 (H.B. 683 - Mosley).
- 3 c. State agencies' customer service quality assurance (H.B. 636
4 - Owens).
- 5 d. Administrative process for State employee grievances (H.B.
6 1014 - Miller).
- 7 e. State employee comprehensive compensation system (H.B.
8 1158 - Nesbitt, Sherrill; S.B. 1031 - Reeves).
- 9 f. Retirement benefits for hazardous duty employees (Moore).
- 10 g. Procurement card pilot program of the Department of
11 Administration, including its effectiveness and efficiency,
12 costs and benefits, impact on accounting, budgeting, and
13 purchasing history records, how to identify realized savings,
14 and the feasibility of statewide implementation of the
15 program (Wainwright).
- 16 (2) Insurance and Managed Care Issues:
- 17 a. Managed care issues, including any willing provider,
18 patients' rights, managed care entity liability, office of
19 consumer advocacy for insurance, prompt payment of health
20 claims, and related issues (S.B. 1089 - Harris, H.J.R. 1461 -
21 Mosley).
- 22 b. Mental health and chemical dependency parity (H.B. 713 -
23 Alexander; S.B. 836 - Martin of Pitt).
- 24 c. Health reform recommendations of the Health Care
25 Planning Commission and its advisory committees
26 (established by Section 1.2 of Chapter 529 of the 1993
27 Session Laws) that have not been implemented but are still
28 needed and other health reform issues (Insko).
- 29 d. Pharmacy choice/competition (H.B. 1277 - Cole; S.B. 137 -
30 Rand).
- 31 (3) Education Issues:
- 32 a. Driver education programs; teen drivers (H.B. 1440 -
33 Mosley).
- 34 b. Seat belts on school buses (H.B. 355 - Mosley).
- 35 c. Tax levying authority for school boards and relationship and
36 issues between counties and school boards.
- 37 d. School boards review of applicable court orders (H.B. 790 -
38 Gulley).
- 39 e. Partisan elections for Charlotte/Mecklenburg Board of
40 Education (H.B. 791 - Gulley).
- 41 f. Minority and at-risk students academic achievement (H.B.
42 1116 - Wright; S.B. 943 - Martin of Guilford).
- 43 (4) Human Resources and Health Issues:

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- a. Long-term care facility licensure compliance (H.J.R. 909 - Mosley).
 - b. Biannual inspection and grading of adult care homes by county social services departments, including areas and services to be inspected and graded, penalties for failure to meet minimal grade levels, fiscal impact on county social services departments, posting of grade in the adult care home, and related issues (Earle and Sherrill).
 - c. Defibrillators; use and liability (H.B. 1118 - Wright).
 - d. Medicaid recovery (H.J.R. 102 - Clary; S.J.R. 39 - Purcell).
 - e. Central registry for living wills and organ donations (H.B. 406 - Fox).
 - f. Animal vaccination administration (H.B. 595 - Owens; H.B. 329 - Tucker).
 - g. Marriage license laws (H.J.R. 1365 - Hill; H.B. 973 - Hill; S.B. 1018 - Dalton).
 - h. Unvented gas heaters (S.B. 785 - Albertson).
 - i. Hunger and nutrition (H.B. 1229 - Adams; S.B. 944 - Martin of Guilford).
 - j. Spaying/neutering of dogs and cats, including funding (H.B. 819 - Hensley; S.B. 330 - Kinnaird).
 - k. Health professions scope of practice.
 - l. Gun safety and storage (H.B. 1446 - Luebke; H.B. 1231 - Kinney).
 - m. Dental hygienist licensure by credential and licensing requirements (H.B. 506 - Braswell and Gardner; S.B. 665 - Soles).
- (5) Taxation and Economic Development Issues:
- a. Consolidated income tax returns by affiliated corporations, including the legal, fiscal, and other effects of consolidated or combined reporting (H.J.R. 491 - McMahan).
 - b. Cost-effectiveness of tax incentives and other economic development incentives (H.J.R. 1469 - Insko).
 - c. State taxation of pension income, including equal tax treatment of government retiree's pensions, reduction of tax on private pensions, reciprocal approaches for taxing state government retirees of other states, and related issues (H.B. 1325 - Davis and Hurley).
 - d. Impact of military bases on public services and taxes (Hurley and Warner).
 - e. Property tax exemption for certain properties owned by charitable hospitals (H.B. 954 - C. Wilson).
 - f. Capital incentive program for tourism (H.J.R. 1483 - Earle).
- (6) Environmental/Agricultural Issues:

- 1 a. Wastewater system construction permits and related issues
2 (H.B. 137 - Culp).
- 3 b. Beverage container deposits (H.B. 1413 - Luebke).
- 4 c. Red imported fire ants, including adverse impacts on health,
5 environment, land use, and economy, and the feasibility of
6 increasing control and eradication efforts (Warwick).
- 7 d. Coastal beach movement; beach renourishment, and storm
8 mitigation (H.B. 118 - Redwine; S.B. 54 - Ballantine,
9 Allran).
- 10 e. Apple industry, including marketing, production, effect of
11 pesticide control, use of pesticides marketed in other
12 countries, impact of imported apples and apple products,
13 use of juice concentrate, and related issues (Justus).
- 14 f. Environmental impacts; sources of pollution (H.B. 1002 -
15 Warwick).
- 16 (7) Labor/Employment Issues:
 - 17 a. Employment security and unemployment insurance tax
18 issues (H.B. 324 - C. Wilson).
 - 19 b. Protection of youth labor in entertainment industry (H.B.
20 942 - Goodwin).
 - 21 c. Implementation of a State ergonomic standard.
- 22 (8) Government Regulatory Issues:
 - 23 a. Regulation and practice of investment advisers, including
24 current registration and notice filing procedures, disclosure
25 of information to the public and its adequacy, feasibility of
26 an arbitration program within the Office of the Secretary of
27 State to arbitrate disputes and claims between investment
28 advisers and their clients, the use of internet-based security
29 transactions, and the need for a clearinghouse within the
30 Office of the Secretary of State to monitor and record these
31 transactions (Braswell; S.B. 1010 - Hoyle).
 - 32 b. Cash converter regulation (H.B. 1451 - Hurley).
 - 33 c. Credit insurance and mortgage credit, including the
34 licensing, regulation, and examination of mortgage brokers
35 and mortgage lenders, financing of credit insurance
36 premiums, and other aspects of the mortgage market relating
37 to the availability of mortgage credit. These issues may be
38 studied in conjunction with issues required to be studied
39 under Senate Bill 1149 (1999 Session).
 - 40 d. Magistrates authority (H.B. 1224 - Baddour).
 - 41 e. Bail bond industry regulation, including duties and liabilities
42 of industry participants with respect to producing defendants
43 in court, relationship between insurers and agents, and
44 bondsmen and runners, and Department of Insurance and

1 court resources as they relate to the bail bond industry
2 (Baddour).

3 f. Telephone solicitation (H.B. 1080 - Allen).

4 (9) Transportation Issues:

5 a. Trucking safety (H.B. 1249 - C. Wilson).

6 b. Toll roads.

7 c. Municipal participation in road funding.

8 Section 2.2. Committee Membership. -- For each Legislative Research
9 Commission committee created during the 1999-2001 biennium, the cochairs of the
10 Legislative Research Commission shall appoint the committee membership.

11 Section 2.3. Reporting Date. -- For each of the topics the Legislative
12 Research Commission decides to study under this Part or pursuant to G.S.
13 120-30.17(1), the Commission may report its findings, together with any
14 recommended legislation, to the 1999 General Assembly, 2000 Regular Session, or the
15 2001 General Assembly.

16 Section 2.4. Funding. -- From the funds available to the General
17 Assembly, the Legislative Services Commission may allocate additional monies to
18 fund the work of the Legislative Research Commission.

19
20 **PART III.-----NORTH CAROLINA TAX POLICY COMMISSION**

21 Section 3.1. Commission Established. -- There is established a North
22 Carolina Tax Policy Commission.

23 Section 3.2. Membership. -- The Commission shall consist of 13 members
24 who shall represent, insofar as practicable, the diverse interests and geographic
25 regions of the State and shall include individuals with expertise in tax policy, tax
26 administration, and professional tax practice.

27 The Speaker of the House of Representatives shall appoint five members,
28 as follows: two members of the General Assembly, one individual nominated by the
29 North Carolina League of Municipalities, one individual who represents business
30 taxpayers, and one individual who represents senior citizens.

31 The President Pro Tempore of the Senate shall appoint five members, as
32 follows: two members of the General Assembly, one individual nominated by the
33 North Carolina Association of County Commissioners, one individual who represents
34 nonbusiness taxpayers, and one individual who represents small business taxpayers.

35 The Governor shall appoint three members, as follows: one individual
36 who represents tax practitioners, one individual who represents nonprofit, charitable
37 organizations, and one individual who has demonstrated leadership and expertise in
38 tax policy.

39 Appointments to the Commission shall be made no later than August 31,
40 1999. Vacancies shall be filled by the original appointing authority.

41 Section 3.3. Mission. -- The mission of the Commission is to study,
42 examine, and, if necessary, design a realignment of the State and local tax structure in
43 accordance with a clear, consistent tax policy. This mission requires:

- 1 (1) Establishing the principles of taxation upon which a sound State
2 and local tax structure should be built for the 21st century.
- 3 (2) Examining the current State and local tax structure to determine if
4 it reflects these principles.
- 5 (3) Recommending changes in the State and local tax structure to the
6 extent it does, and does not, reflect these benchmark tax principles.
- 7 (4) Recommending principles and practices to simplify and consolidate
8 existing taxes to provide uniformity; to ease the administrative
9 burden on the taxpayer; to maximize taxpayers' use of electronic
10 tax payment and reporting methods; and to reduce the costs of
11 collecting and administering taxes.

12 Section 3.4. Duties. -- The Commission shall:

- 13 (1) Evaluate the current State and local tax base in terms of:
 - 14 a. Responsiveness of each base to the changing and emerging
15 economies (e.g., from farming and manufacturing to
16 services, commerce, such as Internet sales, and technology).
 - 17 b. Rates compared to other states.
 - 18 c. Cost of collecting each tax.
 - 19 d. Tax burden imposed on individuals and businesses in the
20 State.
 - 21 e. Principles of taxation reflected in the tax.
- 22 (2) Examine all current tax preferences, such as lower rates,
23 exemptions, exclusions, and refunds, to determine their public
24 policy purpose; examine the narrowing of the tax base that is a
25 product of these preferences; and evaluate the resulting impact on
26 taxpayers not eligible for these preferences.
- 27 (3) Review tax changes made in the last 10 years to determine their
28 impact on the State compared to their projected impact, and to
29 assess any economic or demographic conditions on the horizon
30 that may alter their impact.
- 31 (4) Examine the impact of changing intergovernmental (federal-State-
32 local) relationships upon funding among levels of government and
33 the resulting impact upon tax policy; and examine how the State,
34 counties, and cities will share a reduced federal funding role,
35 when, in 2003, the Balanced Budget Act takes full effect and
36 federal domestic spending is fully capped.
- 37 (5) Examine the impact of changing interlocal, (city/county) service
38 systems and the resulting effect on local tax policy; and examine
39 how area-wide services, such as fire suppression, water-sewer, and
40 recreation, should be financed and allocated.

41 Section 3.5. Report. -- The Commission shall submit a final report of its
42 findings and recommendations by March 1, 2001, to the General Assembly, the
43 Governor, and the citizens of the State. The Commission may also make an interim
44 report, including recommended legislation, to the 2000 Regular Session of the 1999

1 General Assembly, and to the Governor and the citizens of the State. The report
2 shall include draft legislation to implement its recommendations along with an
3 analysis of the fiscal impact of each recommendation. The Commission shall
4 terminate upon filing its final report.

5 Section 3.6. Expenses of Members. -- Members of the Commission shall
6 receive per diem, subsistence, and travel allowances in accordance with G.S. 120-3.1,
7 138-5, or 138-6, as appropriate.

8 Section 3.7. Cochairs; Meetings. -- Cochairs of the Commission shall be
9 designated by the Speaker of the House of Representatives and the President Pro
10 Tempore of the Senate from among their respective appointees. The Commission
11 shall meet upon the call of the chairs. A majority of the members of the Commission
12 shall constitute a quorum.

13 The Commission may meet during a regular or special session of the
14 General Assembly, subject to approval of the Speaker of the House of
15 Representatives and the President Pro Tempore of the Senate. The Legislative
16 Services Commission shall grant adequate meeting space to the Commission in the
17 State Legislative Building or the Legislative Office Building.

18 Section 3.8. Subcommittees. -- The Commission may appoint
19 subcommittees of its members and other knowledgeable persons or experts to assist it.
20 It may also appoint a Technical Advisory Board, if deemed desirable by its members
21 to have an ongoing body of technical experts.

22 Section 3.9. Citizen Participation. -- The Commission shall establish a
23 process of citizen education and participation that assures the citizens of North
24 Carolina of the opportunity to be informed of and contribute to the work of the
25 Commission.

26 Section 3.10. Staff. -- Within funds available, the Commission, after
27 consultation with the Legislative Services Commission, shall employ a full-time
28 Executive Director who shall report to the Commission and serve at its pleasure.
29 The Executive Director shall be the Chief Executive Officer and may employ
30 additional employees and contract for services, subject to approval of the
31 Commission. Additional staff may be provided to the Commission by the Legislative
32 Services Office.

33 Section 3.11. Powers. -- The Commission, while in the discharge of
34 official duties, may exercise all the powers provided under the provisions of G.S. 120-
35 19 through G.S. 120-19.4. The Commission may contract for consultant services as
36 provided by G.S. 120-32.02, including revenue forecasting and estimating services
37 from the Tax Research Division of the Department of Revenue.

38 Section 3.12. Cooperation by Government Agencies. -- The Commission
39 may call upon any department, agency, institution, or officer of the State or any
40 political subdivision of the State for facilities, data, or other assistance.

41 Section 3.13. Funding. -- The Legislative Services Commission may
42 allocate from the General Assembly reserves up to five hundred thousand dollars
43 (\$500,000) for the expenses of the Commission. The Commission may apply for,

1 receive, and accept grants of non-State funds, or other contributions as appropriate to
2 assist in the performance of its duties.

3

4 **PART IV.-----STATE TORT LIABILITY AND IMMUNITY (Walend and Nesbitt)**

5 Section 4.1. The Study Commission on State Tort Liability and
6 Immunity is created and shall consist of 15 members as follows:

- 7 (1) The President Pro Tempore of the Senate shall appoint four
8 members from the membership of the State Senate and one
9 member recommended by the President of the North Carolina
10 State Bar who is experienced in plaintiff litigation claims under the
11 Tort Claims Act.
- 12 (2) The Speaker of the House of Representatives shall appoint four
13 members from the membership of the House of Representatives
14 and one member recommended by the President of the North
15 Carolina State Employees Association.
- 16 (3) The Governor shall appoint the following three members:
- 17 a. One member who shall be a representative of the
18 Department of Transportation.
- 19 b. One member recommended by the President of The
20 University of North Carolina. The member must be a
21 faculty member of a North Carolina law school and familiar
22 with tort liability law.
- 23 c. One member recommended by the Public Officers and
24 Employees Insurance Liability Commission.
- 25 (4) The Attorney General or a designee of the Attorney General
26 representing the Justice Department.
- 27 (5) The Commissioner of Insurance or a designee of the Commissioner
28 representing the Department of Insurance.

29 Section 4.2. The President Pro Tempore of the Senate and the Speaker
30 of the House of Representatives shall each designate a cochair of the Commission
31 from their appointees.

32 Section 4.3. The Commission shall study issues concerning the tort
33 liability and immunity of the State, including:

- 34 (1) Whether injured persons receive adequate compensation without
35 regard to how or where the injury occurred or by which State
36 department, institution, agency, or employee of a State department,
37 institution, or agency the person was injured.
- 38 (2) The liability and immunity of the State and its employees, how that
39 liability is defended, and how claims and judgments are paid.
- 40 (3) The State Tort Claims Act, Article 31 of Chapter 143 of the
41 General Statutes, the limits under this Act, how claims are
42 defended, and how claims and judgments are paid.
- 43 (4) Whether a program of self-insurance for the State is feasible or
44 desirable.

1 (5) Whether excess liability coverage should be expanded for certain
2 types of tort claims or certain categories of State employees.

3 (6) Any other relevant issues.

4 Section 4.4. The Commission may recommend changes to the law that
5 will:

6 (1) Provide injured persons with adequate compensation.

7 (2) Clarify the present law by removing inconsistencies and outdated
8 provisions.

9 (3) Provide State departments, institutions, or agencies with
10 predictable exposure to the payment of tort claims from their
11 budgets.

12 (4) Any other legislative proposals the Commission determines are
13 needed to address an issue studied under Section 4.3 of this act, to
14 protect the public, to improve the manner in which tort claims are
15 paid, or to improve the State's financial ability to provide coverage
16 under the State Tort Claims Act or provide excess coverage
17 beyond the limits under the State Tort Claims Act.

18 Section 4.5. It is not the intent that the Commission study tort reform as
19 it relates to the doctrine of contributory negligence or professional liability.

20 Section 4.6. The Commission shall report its findings and
21 recommendations to the 2001 General Assembly and may submit an interim report to
22 the 2000 Regular Session of the 1999 General Assembly. Upon filing its final report,
23 the Commission shall terminate.

24 Section 4.7. The Commission, while in the discharge of official duties,
25 may exercise all the powers provided for under the provisions of G.S. 120-19 and
26 G.S. 120-19.1 through G.S. 120-19.4. The Commission may meet at any time upon
27 the joint call of the cochairs. The Commission may meet in the State Legislative
28 Building or the Legislative Office Building with the approval of the Legislative
29 Services Commission.

30 Section 4.8. Members of the Commission who are also members of the
31 General Assembly shall receive per diem, subsistence, and travel allowances at the
32 rates set forth in G.S. 120-3.1. Members of the Commission who are officials or
33 employees of the State or local government agencies shall receive per diem,
34 subsistence, and travel allowances at the rates set forth in G.S. 138-6. All other
35 Commission members shall receive per diem, subsistence, and travel allowances at
36 the rates set forth in G.S. 138-5.

37 Section 4.9. The Commission may contract for professional, clerical, or
38 consultant services as provided by G.S. 120-32.02. The Legislative Services
39 Commission, through the Legislative Administrative Officer, shall assign professional
40 staff to assist in the work of the Commission. The House of Representatives' and the
41 Senate's Supervisors of Clerks shall assign clerical staff to the Commission, upon the
42 direction of the Legislative Services Commission. The expenses relating to clerical
43 employees shall be borne by the Commission.

1 Section 4.10. When a vacancy occurs in the membership of the
2 Commission, the vacancy shall be filled by the same appointing officer who made the
3 initial appointment.

4 Section 4.11. All State departments and agencies and local governments
5 and their subdivisions shall furnish the Commission with any information in their
6 possession or available to them that the Commission requests.

7 Section 4.12. From funds appropriated to the General Assembly, the
8 Legislative Services Commission may allocate funds for the expenses of the Study
9 Commission on State Tort Liability and Immunity.

10

11 **PART V.-----ELECTION LAWS STUDY COMMISSION (H.B. 1073 - Alexander)**

12 Section 5.1. There is created an Election Laws Revision Commission.
13 The Commission shall be composed of 17 members. Twelve members shall be
14 appointed as follows:

15 (1) The President Pro Tempore of the Senate shall appoint four
16 members, including at least one county board of elections member,
17 with no more than three of the four affiliated with the same
18 political party.

19 (2) The Speaker of the House of Representatives shall appoint four
20 members, including at least one county elections director, with no
21 more than three of the four affiliated with the same political party.

22 (3) The Governor shall appoint four members, including at least one
23 county commissioner and at least one minority-party member of
24 the State Board of Elections.

25 The Chair and the Executive Secretary-Director of the State Board of Elections shall
26 be ex officio members. The State chairs of the three political parties whose nominees
27 for Governor received the largest number of votes in the most recent general election
28 for Governor shall be ex officio members. All members of the Commission, whether
29 appointed or ex officio, shall be voting members.

30 Section 5.2. The President Pro Tempore of the Senate and the Speaker
31 of the House of Representatives shall each designate a cochair of the Commission
32 from their appointees.

33 Section 5.3. The Election Laws Revision Commission shall study the
34 following:

35 (1) The election laws, policies, and procedures of the State.

36 (2) The administration of those laws, policies, and procedures at the
37 State and local levels and the responsibilities of those
38 administering these laws.

39 (3) The election laws, policies, and procedures of other States and
40 jurisdictions.

41 (4) Federal and State case rulings impinging on these laws, policies,
42 and practices.

43 (5) Public financing for campaigns.

44 (6) APA exemption for the State Board of Elections.

1 (7) Preference voting and instant second primaries.
2 Section 5.4. The Commission shall prepare and recommend to the
3 General Assembly a comprehensive revision of the election laws of North Carolina
4 that will accomplish the following:

- 5 (1) Remove inconsistencies, inaccuracies, ambiguities, and outdated
6 provisions in the law.
7 (2) Incorporate in the law any desirable uncodified procedures,
8 practices, and rulings of a general nature that have been
9 implemented by the State Board of Elections or its Executive
10 Secretary-Director.
11 (3) Conform the statutory law to State and federal case law and to any
12 requirements of federal statutory law and regulation.
13 (4) Ensure the efficient and effective administration of elections in this
14 State.
15 (5) Continue the impartial, professional administration of elections,
16 which the citizens of the State expect and demand.
17 (6) Recodify the election laws, as necessary, to produce a
18 comprehensive, clearly understandable structure of current North
19 Carolina election law, susceptible to orderly expansion as
20 necessary.

21 Section 5.5. With the prior approval of the Legislative Services
22 Commission, the Legislative Services Officer shall assign professional staff to assist in
23 the work of the Election Laws Revision Commission and may provide for additional
24 staffing by the State Board of Elections, Office of the Attorney General, and the
25 Institute of Government. With prior approval of the State Board of Elections, the
26 Election Laws Revision Commission may hold its meetings in the offices of the State
27 Board. With the prior approval of the Legislative Services Commission, the Election
28 Laws Revision Commission may hold its meetings in the State Legislative Building or
29 the Legislative Office Building.

30 Section 5.6. The Commission shall submit a final written report of its
31 findings and recommendations on or before the convening of the 2001 Session of the
32 General Assembly and may submit a report to the 2000 Regular Session of the 1999
33 General Assembly. All reports shall be filed with the President Pro Tempore of the
34 Senate and the Speaker of the House of Representatives, the Principal Clerks of the
35 Senate and the House of Representatives, and the Legislative Librarian. Upon filing
36 its final report, the Commission shall terminate.

37 Section 5.7. Members of the Commission shall be paid per diem,
38 subsistence, and travel allowances as follows:

- 39 (1) Commission members who are also members of the General
40 Assembly, at the rate established in G.S. 120-3.1;
41 (2) Commission members who are officials or employees of the State
42 or local government agencies, at the rate established in G.S. 138-6;
43 (3) All other Commission members, at the rate established in G.S.
44 138-5.

1 Section 5.8. All State departments and agencies, local boards of
2 elections, and local governments and their subdivisions shall cooperate with the
3 Commission and, upon request, shall furnish to the Commission and its staff any
4 information in their possession or available to them.

5 Section 5.9. From funds appropriated to the General Assembly, the
6 Legislative Services Commission may allocate funds for the expenses of the Election
7 Laws Revision Commission.

8

9 **PART VI.-----CHILDREN WITH SPECIAL NEEDS (H.B. 1435 - Boyd-McIntyre)**

10 Section 6.1. There is established the Study Commission on Children With
11 Special Needs. The Commission shall consist of 18 members, appointed as follows:

- 12 (1) Seven persons appointed by the Speaker of the House of
13 Representatives, four of whom shall be members of the House of
14 Representatives, and three of whom shall be public members, as
15 follows:
- 16 a. One member representing The ARC of North Carolina;
 - 17 b. One member representing the Exceptional Children's
18 Assistance Center; and
 - 19 c. One member representing Carolina Legal Assistance;
- 20 (2) Seven persons appointed by the President Pro Tempore of the
21 Senate, four of whom shall be members of the Senate, and three of
22 whom shall be public members, as follows:
- 23 a. One member representing The Education and Law Project;
 - 24 b. One member representing The Children's Law Center of
25 Charlotte; and
 - 26 c. One member representing Covenant with North Carolina's
27 Children;
- 28 (3) Four persons appointed by the Governor, as follows:
- 29 a. One of whom is a parent of a special needs child;
 - 30 b. One of whom is a public school teacher;
 - 31 c. One of whom is a member of the general public; and
 - 32 d. One of whom represents the Governor's Advocacy Council
33 for Persons with Disabilities.

34 Each appointing authority shall assure insofar as possible that its
35 appointees to the Commission reflect the composition of the North Carolina
36 population with regard to ethnic, racial, age, gender, and religious composition.

37 Section 6.2. The Commission shall study issues related to meeting the
38 educational needs of children with special needs, and in particular to study the
39 alternative funding methods and the effects of the current twelve and one-half
40 percent (12.5%) cap on funding for the education of children with special needs.

41 Section 6.3. The Commission may make an interim report to the 1999
42 General Assembly, Regular Session 2000, upon its convening, and shall make its final
43 report to the 2001 General Assembly upon its convening, and to the Governor.

1 Upon submitting its final report, the Commission shall expire. An interim report to
2 the 2000 General Assembly may recommend proposed legislation.

3 Section 6.4. Upon approval of the Legislative Services Commission, the
4 Legislative Services Officer shall assign appropriate professional staff from the
5 Legislative Services Office of the General Assembly to assist with the study. The
6 House of Representatives' and the Senate's Supervisors of Clerks shall assign clerical
7 staff to the Commission, upon the direction of the Legislative Services Commission.
8 The Commission may meet in the Legislative Building or the Legislative Office
9 Building upon the approval of the Legislative Services Commission.

10 Section 6.5. The Speaker of the House of Representatives and the
11 President Pro Tempore of the Senate shall each designate a cochair of the
12 Commission. The Commission shall meet upon the call of the cochairs. A quorum
13 of the Commission is 10 members. While in the discharge of its official duties, the
14 Commission has the powers of a joint committee under G.S. 120-19 and G.S. 120-
15 19.1. Members of the Commission shall receive per diem, subsistence, and travel
16 allowances in accordance with G.S. 120-3.1, 138-5, or 138-6, as appropriate.

17 Section 6.6. From funds appropriated to the General Assembly, the
18 Legislative Services Commission may allocate funds for the expenses of the Study
19 Commission on Children With Special Needs.

20 21 **PART VII.-----TRANSPORTATION STUDIES**

22 Section 7.1. The Joint Legislative Transportation Oversight Committee
23 shall study nonbetterment utility relocation costs (H.B. 789 - Goodwin) and shall
24 report its findings and recommendations to the 2000 Regular Session of the 1999
25 General Assembly or the 2001 General Assembly.

26 27 **PART VIII.-----LEGISLATIVE STUDY COMMISSION ON MENTAL HEALTH, 28 DEVELOPMENTAL DISABILITIES, AND SUBSTANCE ABUSE SERVICES**

29 Section 8.1. The Implementation Advisory Committee that was created by
30 the Legislative Study Commission on Mental Health, Developmental Disabilities, and
31 Substance Abuse Services may continue its work with the Developmental Disabilities
32 Section of the Division of Mental Health, Developmental Disabilities, and Substance
33 Abuse Services, Department of Health and Human Services, to update strategies of
34 the Mental Health Study Commission's Developmental Disabilities Plan. The
35 Implementation Advisory Committee may make its final report to the Legislative
36 Study Commission on Mental Health, Developmental Disabilities, and Substance
37 Abuse Services on or before July 1, 2000, and upon making its final report shall
38 terminate unless extended by the Legislative Study Commission on Mental Health,
39 Developmental Disabilities, and Substance Abuse Services (H.J.R. 627 - Alexander).

40 Section 8.2. The Legislative Study Commission on Mental Health,
41 Developmental Disabilities, and Substance Abuse Services shall study whether and
42 under what circumstances certain persons committed involuntarily to State
43 psychiatric hospitals should be released under specific conditions. In conducting the
44 study, the Commission shall consider the following:

- 1 (1) The target population for whom conditional release may be
2 appropriate and necessary to protect public safety and enhance
3 patient stability.
- 4 (2) The estimated number of persons who could qualify for
5 conditional release.
- 6 (3) Criteria for conditional release that are clearly and narrowly
7 defined to ensure that conditional release will apply only to the
8 target population and will not be susceptible to being applied in an
9 overinclusive manner.
- 10 (4) Costs of implementing conditional release, including the need for
11 such additional resources at the area mental health authority level
12 as medication, transportation, case management, and administrative
13 start-up costs.
- 14 (5) The role, duties, and responsibilities of area mental health
15 authorities, 24-hour facilities, courts, and law enforcement
16 agencies. These roles, duties, and responsibilities should be
17 sufficiently and clearly defined to ensure both efficient
18 coordination and communication among these entities and
19 continuity of care for respondents on conditional release.
- 20 (6) The qualifications necessary for personnel monitoring and
21 supervising conditional release and providing treatment to
22 respondents on conditional release.
- 23 (7) The mental health system issues and patient disabilities that
24 currently contribute to patient noncompliance with recommended
25 treatment, and treatment approaches and systems designs that
26 would enhance patient compliance, mental health, and quality of
27 life.
- 28 (8) Any other issues the Commission deems appropriate for the study.
29 The Commission shall report its findings and recommendations under this
30 Part to the 1999 General Assembly, Regular Session 2000, not later than one week
31 prior to its convening. The Commission's report may include recommended
32 legislation for consideration by the 1999 General Assembly, Regular Session 2000
33 (H.B. 298 - Hackney).

34
35 **PART IX.-----FUTURE OF ELECTRIC SERVICE FUNDING CONTINUATION (H.B.**
36 **777 - McComas; S.B. 266 - Hoyle)**

37 Section 9.1. Section 10.1 of S.L. 1997-483 reads as rewritten:

38 "Section 10.1. Notwithstanding G.S. 62-302(d), all expenses during the ~~1997-98~~
39 ~~and the 1998-99~~ 1997-98, 1998-99, and 1999-2000 fiscal years of the Study
40 Commission on the Future of Electric Service in North Carolina, established in S.L.
41 1997-40, shall be reimbursed from funds in the Utilities Commission and Public Staff
42 Fund. There is allocated initially one hundred thousand dollars (\$100,000) from the
43 Utilities Commission and Public Staff Fund to the General Assembly for the purpose
44 of enabling the Study Commission on the Future of Electric Service in North

1 Carolina to organize and begin its work. Upon the certification of the need for
2 additional funds by the cochairs of the Study Commission on the Future of Electric
3 Service in North Carolina for the work of the Commission, the Utilities Commission
4 shall transfer the additional funds from the Utilities Commission and Public Staff
5 Fund to the General Assembly for that purpose."

6 Section 9.2. This Part is effective retroactively to June 30, 1999.

7
8 **PART X.-----DENR STUDY BURNING PERMITS (Thomas)**

9 Section 10.1. The Department of Environment and Natural Resources
10 shall review its current procedures concerning permits issued for open burning in or
11 near woodlands under the protection of the Department of Environment and Natural
12 Resources under Article 4C of Chapter 113 of the General Statutes when the burning
13 is to occur on five or more acres of land and shall determine whether more controls
14 are needed in order to protect the public or the environment, or both. The
15 Department shall report its findings and recommendations, including legislative
16 proposals, if any, to the Environmental Review Commission no later than May 15,
17 2000.

18
19 **PART XI.-----STUDY COMMISSION ON AGING/IMMUNIZATION OF NURSING
20 AND ADULT CARE HOME EMPLOYEES AND RESIDENTS (Insko)**

21 Section 11.1. The North Carolina Study Commission on Aging shall study
22 the issue of annual immunization of residents and employees of nursing homes, adult
23 care homes, and adult day care homes against influenza, and the immunization of
24 residents every five years against pneumococcal disease. In conducting the study, the
25 Commission shall consider the following:

- 26 (1) Requiring that facilities obtain the written, informed consent to
27 immunization by residents and employees.
- 28 (2) Providing for exemptions from immunization on the basis of
29 medical contraindication or religious belief.
- 30 (3) The dates by which annual immunizations should be administered.
- 31 (4) Methods for ensuring facility compliance with immunization
32 requirements, including documentation of immunizations
33 performed.
- 34 (5) Fiscal impact of providing immunizations.
- 35 (6) Any other matters the Commission deems relevant to the study.

36 The Commission shall report its findings and recommendations under this
37 Part, including recommended legislation, to the 1999 General Assembly, Regular
38 Session 2000, not later than May 1, 2000.

39
40 **PART XII.-----EDUCATION OVERSIGHT STUDIES**

41 Section 12.1. The Joint Legislative Education Oversight Committee shall
42 study the following issues. The Committee may report to the 2000 Regular Session of
43 the 1999 General Assembly or the 2001 General Assembly:

- 1 (1) Public schools' purchase of natural gas supplies in the competitive
2 market through the system of the local distribution company
3 serving the area in which the school is located (Allred and
4 Warner).
5 (2) High school graduation standards, including adequacy of course
6 requirements and related issues (H.B. 536 - Moore; S.B. 762 -
7 Carter).
8

9 **PART XIII.-----GENERAL STATUTES COMMISSION/UCC STUDY (H.J.R. 122 -**
10 **Culpepper; S.J.R. 162 - Hartsell)**

11 Section 13.1. The General Statutes Commission shall study Uniform
12 Commercial Code Revised Article 9 (Secured Transactions) and conforming
13 amendments to other sections of the General Statutes and report any recommended
14 legislation to the 1999 General Assembly, Regular Session 2000.

15
16 **PART XIV.-----JOINT LEGISLATIVE COMMISSION ON SEAFOOD AND**
17 **AQUACULTURE/SEAFOOD LABELED AS TO ORIGIN (H.B. 953 - Smith)**

18 Section 14.1. The Joint Legislative Commission on Seafood and
19 Aquaculture shall study the desirability and feasibility of requiring seafood entering
20 the State to be labeled as to its state or country of origin. The Joint Legislative
21 Commission on Seafood and Aquaculture shall report its findings and
22 recommendations, if any, to the 2000 Regular Session of the 1999 General Assembly.
23

24 **PART XV.-----ENVIRONMENTAL REVIEW COMMISSION**

25 Section 15.1. The Environmental Review Commission shall study motor
26 vehicle emissions testing and maintenance requirements under Part III of Senate Bill
27 953 (1999 Regular Session) as they relate to individual counties and shall report its
28 findings and recommendations to the 2000 Regular Session of the 1999 General
29 Assembly (Gibson).
30

31 **PART XVI.-----BILL AND RESOLUTIONS REFERENCES**

32 Section 16.1. The listing of the original bill or resolution in this act is for
33 reference purposes only and shall not be deemed to have incorporated by reference
34 any of the substantive provisions contained in the original bill or resolution.
35

36 **PART XVII.-----EFFECTIVE DATE AND APPLICABILITY**

37 Section 17.1. Except as otherwise specifically provided, this act becomes
38 effective July 1, 1999. If a study is authorized both in this act and the Current
39 Operations Appropriations Act of 1999, the study shall be implemented in
40 accordance with the Current Operations Appropriations Act of 1999 as ratified.

**1999 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES**

The following report(s) from standing committee(s) is/are presented:

By Representative(s) **CULPEPPER** for the Committee on **RULES, CALENDAR AND
OPERATIONS OF THE HOUSE.**

Committee Substitute for
H.B. 163 A BILL TO BE ENTITLED AN ACT TO ENACT THE UNIFORM TRANSFER
ON DEATH (TOD) SECURITY REGISTRATION ACT AS RECOMMENDED BY THE
GENERAL STATUTES COMMISSION.

- With a favorable report.
- With a favorable report and recommendation that the bill be re-referred to the Committee on
Appropriations Finance .
- With a favorable report, as amended.
- With a favorable report, as amended, and recommendation that the bill be re-referred to the
Committee on Appropriations Finance .
- With a favorable report as to committee substitute bill, which changes the title,
unfavorable as to original bill.
- With a favorable report as to House committee substitute bill (#), which changes
the title, unfavorable as to Senate committee substitute bill.
- With an unfavorable report.
- With recommendation that the House concur.
- With recommendation that the House do not concur.
- With recommendation that the House do not concur; request conferees.
- With recommendation that the House concur; committee believes bill to be material.
- With an unfavorable report, with a Minority Report attached.
- Without prejudice.
- With an indefinite postponement report.
- With an indefinite postponement report, with a Minority Report attached.
- With recommendation that it be adopted. (HOUSE RESOLUTION ONLY)

2/24/99

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1999

S

1

SENATE BILL 247*

Short Title: Prescribed Burning in Forests/AB.

(Public)

Sponsors: Senators Lee and Wellons.

Referred to: Agriculture/Environment/Natural Resources.

March 4, 1999

1 A BILL TO BE ENTITLED
2 AN ACT TO ENCOURAGE PRESCRIBED BURNING FOR FORESTRY AND
3 WILDLIFE PURPOSES UNDER CERTAIN CONDITIONS.

4 The General Assembly of North Carolina enacts:

5 Section 1. Chapter 113 of the General Statutes is amended by adding a
6 new Article to read:

7 "ARTICLE 4E.

8 "North Carolina Prescribed Burning Act.

9 "§ 113-60.40. Legislative findings.

10 The General Assembly finds that prescribed burning of forestlands is a
11 management tool that is beneficial to North Carolina's public safety, forest and
12 wildlife resources, environment, and economy. The General Assembly finds that the
13 following are benefits that result from prescribed burning of forestlands:

14 (1) Prescribed burning reduces the naturally occurring buildup of
15 vegetative fuels on forestlands, thereby reducing the risk and
16 severity of wildfires and lessening the loss of life and property.

17 (2) The State's ever-increasing population is resulting in urban
18 development directly adjacent to fire prone forestlands, referred to
19 as a woodland-urban interface area. The use of prescribed burning
20 in these woodland-urban interface areas substantially reduces the
21 risk of wildfires that cause damage.

22 (3) Many of North Carolina's natural ecosystems require periodic fire
23 for their survival. Prescribed burning is essential to the
24 perpetuation, restoration, and management of many plant and

1 animal communities. Prescribed burning benefits game, nongame,
2 and endangered wildlife species by increasing the growth and yield
3 of plants that provide forage and an area for escape and brooding
4 and that satisfy other habitat needs.

5 (4) Forestlands are economic, biological, and aesthetic resources of
6 statewide significance. In addition to reducing the frequency and
7 severity of wildfires, prescribed burning of forestlands helps to
8 prepare sites for replanting and natural seeding, to control insects
9 and diseases, and to increase productivity.

10 (5) Prescribed burning enhances the resources on public use lands,
11 such as State and national forests, wildlife refuges, nature
12 preserves, and game lands. Prescribed burning enhances private
13 lands that are managed for wildlife refuges, nature preserves, and
14 game lands. Prescribed burning enhances private lands that are
15 managed for wildlife, recreation, and other purposes.

16 As North Carolina's population grows, pressures resulting from liability issues and
17 smoke complaints discourage or limit prescribed burning so that these numerous
18 benefits to forestlands often are not attainable. By recognizing the benefits of
19 prescribed burning and by adopting requirements governing prescribed burning, the
20 General Assembly helps to educate the public, avoid misunderstandings, and reduce
21 complaints about this valuable management tool.

22 **"§ 113-60.41. Definitions.**

23 As used in this Article:

24 (1) 'Certified prescribed burner' means an individual who has
25 successfully completed a certification program approved by the
26 Division of Forest Resources of the Department of Environment
27 and Natural Resources.

28 (2) 'Prescribed burning' means the planned and controlled application
29 of fire to naturally occurring vegetative fuels under safe weather
30 and safe environmental and other conditions, while following
31 appropriate precautionary measures that will confine the fire to a
32 predetermined area and accomplish the intended management
33 objectives.

34 (3) 'Prescription' means a written plan prepared by a certified
35 prescribed burner for starting, controlling, and extinguishing a
36 prescribed burning.

37 **"§ 113-60.42. Immunity from liability.**

38 (a) Any prescribed burning conducted in compliance with G.S. 113-60.43 is in the
39 public interest and does not constitute a public or private nuisance.

40 (b) A landowner or the landowner's agent who conducts a prescribed burning in
41 compliance with G.S. 113-60.43 shall not be liable in any civil action for any damage
42 or injury caused by or resulting from smoke.

43 (c) This section does not apply when a nuisance or damage results from a
44 negligently or improperly conducted prescribed burning.

1 "§ 113-60.43. Prescribed burning.

2 (a) Prior to conducting a prescribed burning, the landowner shall obtain a
3 prescription for the prescribed burning prepared by a certified prescribed burner and
4 filed with the Division of Forest Resources, Department of Environment and Natural
5 Resources. A copy of the prescription shall be provided to the landowner. A copy
6 of this prescription shall be in the possession of the responsible burner on site
7 throughout the duration of the prescribed burning. The prescription shall include:

8 (1) The landowner's name and address.

9 (2) A description of the area to be burned.

10 (3) A map of the area to be burned.

11 (4) An estimate in tons of the fuel located on the area.

12 (5) The objectives of the prescribed burning.

13 (6) A list of the acceptable weather conditions and parameters for the
14 prescribed burning sufficient to minimize the likelihood of smoke
15 damage and fire escaping onto adjacent areas.

16 (7) The name of the certified prescribed burner responsible for
17 conducting the prescribed burning.

18 (8) A summary of the methods that are adequate for the particular
19 circumstances involved to be used to start, control, and extinguish
20 the prescribed burning.

21 (9) Provision for reasonable notice of the prescribed burning to be
22 provided to nearby homes and businesses to avoid effects on health
23 and property.

24 (b) The prescribed burning shall be conducted by a certified prescribed burner in
25 accordance with a prescription that satisfies subsection (a) of this section. The
26 certified prescribed burner shall be present on the site and shall be in charge of the
27 burning throughout the period of the burning. A landowner may conduct a
28 prescribed burning without being a certified prescribed burner if the landowner is
29 burning a tract of forestland of 50 acres or less owned by that landowner and is
30 following all conditions established in a prescription prepared by a certified
31 prescribed burner.

32 (c) Prior to conducting a prescribed burning, the landowner or the landowner's
33 agent shall obtain an open-burning permit under Article 4C of this Chapter from the
34 Division of Forest Resources, Department of Environment and Natural Resources.
35 This open-burning permit must remain in effect throughout the period of the
36 prescribed burning. The prescribed burning shall be conducted in compliance with
37 all the following:

38 (1) The terms and conditions of the open-burning permit under
39 Article 4C of this Chapter.

40 (2) The State's air pollution control statutes under Article 21 and
41 Article 21B of Chapter 143 of the General Statutes and any rules
42 adopted pursuant to these statutes.

43 (3) Any applicable local ordinances relating to open burning.

1 (4) The voluntary smoke management guidelines adopted by the
2 Division of Forest Resources, Department of Environment and
3 Natural Resources.

4 (5) Any rules adopted by the Division of Forest Resources,
5 Department of Environment and Natural Resources, to implement
6 this Article.

7 **"§ 113-60.44. Adoption of rules.**

8 The Division of Forest Resources, Department of Environment and Natural
9 Resources, may adopt rules that govern prescribed burning under this Article.

10 **"§ 113-60.45. Exemption.**

11 This Article does not apply when the Secretary of Environment and Natural
12 Resources has cancelled burning permits pursuant to G.S. 113-60.27 or prohibited all
13 open burning pursuant to G.S. 113-60.25."

14 Section 2. This act becomes effective January 1, 2000.

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1999

S

D

SENATE BILL 247*
Proposed House Committee Substitute S247-PCS1793-RN

Short Title: Southeast Compact Commission.

(Public)

Sponsors:

Referred to:

March 4, 1999

- 1 A BILL TO BE ENTITLED
2 AN ACT TO WITHDRAW NORTH CAROLINA FROM THE SOUTHEAST
3 INTERSTATE LOW-LEVEL RADIOACTIVE WASTE MANAGEMENT
4 COMPACT, TO LIMIT THE AUTHORITY OF THE LOW-LEVEL
5 RADIOACTIVE WASTE MANAGEMENT AUTHORITY AND TO DIRECT
6 THE RADIATION PROTECTION COMMISSION TO STUDY AND
7 FORMULATE A PLAN FOR LOW-LEVEL RADIOACTIVE WASTE
8 MANAGEMENT.
9 The General Assembly of North Carolina enacts:
10 Section 1. In accordance with the provisions of G.S. 104F-1, Article VII,
11 Section (g) of the General Statutes, North Carolina hereby withdraws from
12 membership as a party state in the Southeast Interstate Low-Level Radioactive Waste
13 Management Compact.
14 Section 2. Chapter 104F of the General Statutes is repealed.
15 Section 3. Notwithstanding any provision of Chapter 104G of the
16 General Statutes to the contrary, the sole function of the North Carolina Low-Level
17 Radioactive Waste Management Authority shall be to take all necessary actions to
18 complete the process of closure and restoration of the proposed Wake County low-
19 level radioactive waste site, and to finalize all other responsibilities and business of
20 the Authority relating to closure and restoration on or before June 30, 2000.
21 Section 4. Chapter 104G of the General Statutes is repealed effective
22 July 1, 2000.

1 Section 5. The North Carolina Radiation Protection Commission is
2 directed to review and study the current and projected availability and adequacy of
3 facilities for the management of low-level radioactive waste produced by North
4 Carolina generators, and to formulate a recommended plan for complying with North
5 Carolina's responsibilities under the Low-Level Radioactive Waste Policy Act of
6 1980, Pub. L. No. 96-573, 94 Stat. 3347, and the Low-Level Radioactive Waste Policy
7 Amendments Act of 1985, Pub. L. 99-240, 99 Stat. 1842, 42 U.S.C. 202 lb, et seq. The
8 Commission shall report its findings and recommendations to the General Assembly
9 on or before May 15, 2000. No license application for a low-level radioactive waste
10 facility shall be issued or considered by the Department of Environment and Natural
11 Resources prior to action by the General Assembly establishing a plan for future
12 management of low-level radioactive waste.

13 Section 6. Sections 1,2,3, and 5 of this act are effective when it becomes
14 law. Section 4 of this act becomes effective July 1, 2000.

**1999 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES**

The following report(s) from standing committee(s) is/are presented:

By Representative(s) **CULPEPPER** for the Committee on **RULES, CALENDAR AND OPERATIONS OF THE HOUSE.**

- Committee Substitute for
S.B. 247 A BILL TO BE ENTITLED AN ACT TO ENCOURAGE PRESCRIBED
BURNING FOR FORESTRY AND WILDLIFE PURPOSES UNDER CERTAIN
CONDITIONS.
- With a favorable report.
- With a favorable report and recommendation that the bill be re-referred to the Committee on
Appropriations Finance .
- With a favorable report, as amended.
- With a favorable report, as amended, and recommendation that the bill be re-referred to the
Committee on Appropriations Finance .
- With a favorable report as to House committee substitute bill which changes the title,
unfavorable as to original bill.
- With a favorable report as to House committee substitute bill (#), which changes
the title, unfavorable as to Senate committee substitute bill.
- With an unfavorable report.
- With recommendation that the House concur.
- With recommendation that the House do not concur.
- With recommendation that the House do not concur; request conferees.
- With recommendation that the House concur; committee believes bill to be material.
- With an unfavorable report, with a Minority Report attached.
- Without prejudice.
- With an indefinite postponement report.
- With an indefinite postponement report, with a Minority Report attached.
- With recommendation that it be adopted. (HOUSE RESOLUTION ONLY)

2/24/99

VISITOR REGISTRATION SHEET

Rules

July 19, 1999

VISITORS: PLEASE SIGN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY
1. Patricia Smith	Freedom News
2. Gary Sinter	Freedom Newspaper
3. Gene Upburn	CPEL
4. V L McBride	TRCA
5. Alan Miller	Bailey & Dixon LLP
6. Julia Curran	NCBA
7. Grayson Kelley	AG's office
8. Bryan Beatty	AGO
9. John Bourdich	Zob Alley P.A.
10. Lucius Pullen	Attorney
11. Eddie Caldwell	HMC CCHC P.A.
22. Adam Searing	NC FA
23. Lynn Bonner	NRD
24. Rod Smith	we child care coalition
25. Cam Cover	BPMHL
26. Nat Mast	Consent Court of NC
27. Jacob Hine	NCALW
28. David Knight	NC Sierra Club
29. Laura Hartell	NCBA
30. BJ Keyser	DENR
31. Stacy Blannery	NCNCPA

Amplitude

Cressy Porter

Mane June

John Kaplan

John Kuster

Smackham

J. K. Kuster

Paul Lemke

David Cone

Gardner Payne

Steve Woodson

New Mandelhot

Amy Fullbright

King D. Hall

Dayne H. Brown

North

Bank of America

Chico Waller

Dominos Pizza

NCFPC

EJHS

~~Walt~~

UNC-D

Perfect Games, Inc.

Governor's Office

NC Team Bureau

Payson & Spawell

Auntie & WNW

Governor's office

Commissioner, Southeast LLKW ^{Compact} Commission

AGENDA

**HOUSE COMMITTEE ON RULES, CALENDAR AND
OPERATIONS OF THE HOUSE**

**July 20, 1999
Room 421 LOB
10:10 AM**

OPENING REMARKS

Representative Culpepper, Chairman

CONSIDERATION OF BILLS

ACTION TAKEN ON BILLS

ADJOURNMENT

MINUTES OF THE COMMITTEE ON RULES, CALENDAR AND OPERATIONS OF
THE HOUSE

July 20, 1999

The Committee on Rules, Calendar and Operations of the House met on July 20, 1999 at 10:10 a.m. in Room 421 of the Legislative Office Building. The following members were present: Representatives Culpepper, Chairman; Hackney, Vice Chairman; Alexander, Allen, Crawford, Gibson, Gulley, Hill, Jarrell, Luebke, McCombs, McMahan, Michaux, Nye, Tolson, Wright and Yongue.

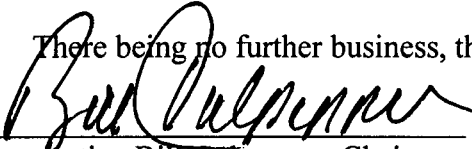
The following bills were considered:

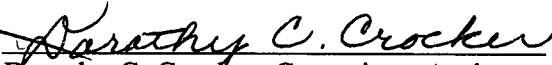
Senate Bill 7 – AN ACT TO PROVIDE FOR THE POSTING OF DIRECTIONAL SIGNS TO AGRICULTURAL MARKETING AND PROCESSING FACILITIES. Representative Hill explained the bill and after questions by members of the committee, Representative Michaux moved to give the bill a favorable report. The motion carried.

Senate Bill 1076 – AN ACT TO REPEAL THE PROPERTY TAX ON CERTAIN VEHICLES LEASED OR RENTED UNDER RETAIL SHORT-TERM LEASES OR RENTALS AND TO REPLACE THE TAX REVENUE WITH A LOCAL TAX ON GROSS RECEIPTS DERIVED FROM RETAIL SHORT-TERM LEASES OR RENTALS. The chairman explained that on the previous day the bill was removed from the calendar on the House floor and re-referred to this committee for consideration of a technical amendment which was explained by Linwood Jones, staff attorney. Representative Gibson moved for adoption of the amendment and the motion carried. Representative Allen then moved that the amendment be incorporated into a new committee substitute and that the new committee substitute be given a favorable report, unfavorable as to the original House committee substitute. The motion passed.

The chairman then submitted a proposed joint resolution for consideration by the committee entitled A JOINT RESOLUTION SETTING THE TIME FOR ADJOURNMENT OF THE 1999 GENERAL ASSEMBLY TO MEET IN 2000 AND LIMITING THE SUBJECTS THAT MAY BE CONSIDERED IN THAT SESSION. Following Linwood Jones' explanation of the resolution, Representative Alexander moved that the resolution be reported as favorable for introduction. The motion carried.

There being no further business, the meeting adjourned at 10:20 a.m.


Representative Bill Culpepper, Chairman


Dorothy C. Crocker, Committee Assistant

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1999

S

3

SENATE BILL 7

Agriculture/Environment/Natural Resources Committee Substitute Adopted 7/15/99
Third Edition Engrossed 7/15/99

Short Title: Ag Tourism Signs.

(Public)

Sponsors:

Referred to:

January 28, 1999

- 1 A BILL TO BE ENTITLED
2 AN ACT TO PROVIDE FOR THE POSTING OF DIRECTIONAL SIGNS TO
3 AGRICULTURAL MARKETING AND PROCESSING FACILITIES.
4 The General Assembly of North Carolina enacts:
5 Section 1. Article 1 of Chapter 106 of the General Statutes is amended
6 by adding a new section to read:
7 "§ 106-22.5. Agricultural tourism signs.
8 (a) The Department of Agriculture and Consumer Services shall provide
9 directional signs on major highways at or in reasonable proximity to the nearest
10 interchange or within one mile leading to an agricultural facility that promotes
11 tourism by providing tours and on-site sales or samples of North Carolina agricultural
12 products to area tourists.
13 (b) An agricultural facility must be open for business at least four days a week, 10
14 months of the year in order to qualify for the directional signs provided for in this
15 section. The Department shall assess the facility the actual reasonable costs of the
16 sign and its installation."
17 Section 2. This act is effective when it becomes law.

**1999 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES**

The following report(s) from standing committee(s) is/are presented:

By Representative(s) **CULPEPPER** for the Committee on **RULES, CALENDAR AND OPERATIONS OF THE HOUSE.**

- Committee Substitute for
S.B. 7 A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR THE POSTING OF
DIRECTIONAL SIGNS TO AGRICULTURAL MARKETING AND PROCESSING
FACILITIES.
- With a favorable report.
- With a favorable report and recommendation that the bill be re-referred to the Committee on
Appropriations Finance .
- With a favorable report, as amended.
- With a favorable report, as amended, and recommendation that the bill be re-referred to the
Committee on Appropriations Finance .
- With a favorable report as to committee substitute bill (#), which changes the title,
unfavorable as to (original bill) (Committee Substitute Bill #), (and recommendation
that the committee substitute bill #) be re-referred to the Committee on .)
- With a favorable report as to House committee substitute bill (#), which changes
the title, unfavorable as to Senate committee substitute bill.
- With an unfavorable report.
- With recommendation that the House concur.
- With recommendation that the House do not concur.
- With recommendation that the House do not concur; request conferees.
- With recommendation that the House concur; committee believes bill to be material.
- With an unfavorable report, with a Minority Report attached.
- Without prejudice.
- With an indefinite postponement report.
- With an indefinite postponement report, with a Minority Report attached.
- With recommendation that it be adopted. (HOUSE RESOLUTION ONLY)

2/24/99

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1999

S

D

SENATE BILL 1076
Finance Committee Substitute Adopted 7/1/99
Third Edition Engrossed 7/7/99
House Committee Substitute Favorable 7/15/99
Proposed House Committee Substitute S1076-PCS7718-RN

Short Title: Reform Local Tax on Rental Cars.

(Public)

Sponsors:

Referred to:

April 15, 1999

1 A BILL TO BE ENTITLED
2 AN ACT TO REPEAL THE PROPERTY TAX ON CERTAIN VEHICLES
3 LEASED OR RENTED UNDER RETAIL SHORT-TERM LEASES OR
4 RENTALS AND TO REPLACE THE TAX REVENUE WITH A LOCAL TAX
5 ON GROSS RECEIPTS DERIVED FROM RETAIL SHORT-TERM LEASES
6 OR RENTALS.
7 The General Assembly of North Carolina enacts:
8 Section 1. G.S. 105-275 is amended by adding a new subdivision to read:
9 "(41) A vehicle that is offered at retail for short-term lease or rental and
10 is owned or leased by an entity engaged in the business of leasing
11 or renting vehicles to the general public for short-term lease or
12 rental. For the purposes of this subdivision, the term 'short-term
13 lease or rental' shall have the same meaning as in G.S. 105-187.1.
14 A gross receipts tax as set forth by G.S. 153A-156 and G.S. 160A-
15 215.1 is substituted for and replaces the ad valorem tax previously
16 levied on these vehicles."
17 Section 2. Chapter 153A of the General Statutes is amended by adding a
18 new section to read:
19 "§ 153A-156. Gross receipts tax on short-term leases or rentals.
20 (a) As a substitute for and in replacement of the ad valorem tax, which is
21 excluded by G.S. 105-275(41), a county may levy a gross receipts tax on the gross

1 receipts from the short-term lease or rental of vehicles at retail to the general public.
2 The tax rate shall not exceed one and one-half percent (1.5%) of the gross receipts
3 from such short-term leases or rentals.

4 (b) If a county enacts the substitute and replacement gross receipts tax pursuant to
5 this section, any entity required to collect the tax shall include a provision in each
6 retail short-term lease or rental agreement noting that the percentage amount enacted
7 by the county of the total lease or rental price, excluding sales tax, is being charged as
8 a tax on gross receipts. For purposes of this section, the transaction giving rise to the
9 tax shall be deemed to have occurred at the location of the entity from which the
10 customer takes delivery of the vehicle. The tax shall be collected at the time of lease
11 or rental and placed in a segregated account until remitted to the county.

12 (c) The collection and use of taxes under this section are not subject to sales tax
13 and are not included in the gross receipts of the entity. The proceeds collected under
14 this section belong to the county and are not subject to creditor liens against the
15 entity.

16 (d) A tax levied under this section shall be collected by the county but otherwise
17 administered in the same manner as the tax levied under G.S. 105-164.4(a)(2).

18 (e) The following definitions apply in this section:

19 (1) Vehicle. -- Any of the following:

20 a. A motor vehicle of the private passenger type, including a
21 passenger van, minivan, or sport utility vehicle.

22 b. A motor vehicle of the cargo type, including cargo van,
23 pickup truck, or truck with a gross vehicle weight of 26,000
24 pounds or less used predominantly in the transportation of
25 property for other than commercial freight and that does not
26 require the operator to possess a commercial drivers license.

27 c. A trailer or semitrailer with a gross vehicle weight of 6,000
28 pounds or less.

29 (2) Short-term lease or rental. -- Defined in G.S. 105-187.1(4).

30 (f) The penalties and remedies that apply to local sales and use taxes levied under
31 Subchapter VIII of this Chapter apply to a tax levied under this section. The county
32 board of commissioners may exercise any power the Secretary of Revenue may
33 exercise in collecting local sales and use taxes."

34 Section 3. Chapter 160A of the General Statutes is amended by adding a
35 new section to read:

36 **"§ 160A-215.1. Gross receipts tax on short-term leases or rentals.**

37 (a) As a substitute for and in replacement of the ad valorem tax, which is
38 excluded by G.S. 105-275(41), a city may levy a gross receipts tax on the gross
39 receipts from the short-term lease or rental of vehicles at retail to the general public.
40 The tax rate shall not exceed one and one-half percent (1.5%) of the gross receipts
41 from such short-term leases or rentals. This tax on gross receipts is in addition to the
42 privilege taxes authorized by G.S. 160A-211.

43 (b) If a city enacts the substitute and replacement gross receipts tax pursuant to
44 this section, any entity required to collect the tax shall include a provision in each

1 retail short-term lease or rental agreement noting that the percentage amount enacted
2 by the city of the total lease or rental price, excluding sales tax, is being charged as a
3 tax on gross receipts. For purposes of this section, the transaction giving rise to the
4 tax shall be deemed to have occurred at the location of the entity from which the
5 customer takes delivery of the vehicle. The tax shall be collected at the time of lease
6 or rental and placed in a segregated account until remitted to the city.

7 (c) The collection and use of taxes under this section are not subject to sales tax
8 and are not included in the gross receipts of the entity. The proceeds collected under
9 this section belong to the city and are not subject to creditor liens against the entity.

10 (d) A tax levied under this section shall be collected by the city but otherwise
11 administered in the same manner as the tax levied under G.S. 105-164.4(a)(2).

12 (e) The following definitions apply in this section:

13 (1) Vehicle. -- Any of the following:

14 a. A motor vehicle of the private passenger type, including a
15 passenger van, minivan, or sport utility vehicle.

16 b. A motor vehicle of the cargo type, including cargo van,
17 pickup truck, or truck with a gross vehicle weight of 26,000
18 pounds or less used predominantly in the transportation of
19 property for other than commercial freight and that does not
20 require the operator to possess a commercial drivers license.

21 c. A trailer or semitrailer with a gross vehicle weight of 6,000
22 pounds or less.

23 (2) Short-term lease or rental. -- Defined in G.S. 105-187.1.

24 (f) The penalties and remedies that apply to local sales and use taxes levied under
25 Subchapter VIII of this Chapter apply to a tax levied under this section. The
26 governing body of the city may exercise any power the Secretary of Revenue may
27 exercise in collecting local sales and use taxes."

28 Section 4. The Fiscal Research Division of the North Carolina General
29 Assembly shall compare the revenue generated statewide by the substitute and
30 replacement gross receipts tax authorized by this act with the revenue that would
31 have been generated by an ad valorem tax. The Fiscal Research Division shall report
32 its findings to the 2003 Session of the 2003-2004 General Assembly.

33 Section 5. Section 1 of this act becomes effective for taxes imposed for
34 taxable years beginning on or after July 1, 2000. The remainder of this act becomes
35 effective July 1, 2000.

**1999 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES**

The following report(s) from standing committee(s) is/are presented:

By Representative(s) **Culpepper** for the Committee on **RULES, CALENDAR, AND
OPERATIONS OF THE HOUSE.**

House Committee Substitute for
S.B. 1076 A BILL TO BE ENTITLED AN ACT TO REPEAL THE PROPERTY TAX ON
CERTAIN VEHICLES LEASED OR RENTED UNDER RETAIL SHORT-TERM LEASES
OR RENTALS AND TO REPLACE THE TAX REVENUE WITH A LOCAL TAX ON
GROSS RECEIPTS DERIVED FROM RETAIL SHORT-TERM LEASES OR RENTALS.

- With a favorable report.
- With a favorable report and recommendation that the bill be re-referred to the Committee on
Appropriations Finance .
- With a favorable report, as amended.
- With a favorable report, as amended, and recommendation that the bill be re-referred to the
Committee on Appropriations Finance .
- With a favorable report as to House committee substitute bill (# 2), unfavorable as to
HouseCommittee Substitute Bill # 1).
- With a favorable report as to House committee substitute bill (#), which changes
the title, unfavorable as to Senate committee substitute bill.
- With an unfavorable report.
- With recommendation that the House concur.
- With recommendation that the House do not concur.
- With recommendation that the House do not concur; request conferees.
- With recommendation that the House concur; committee believes bill to be material.
- With an unfavorable report, with a Minority Report attached.
- Without prejudice.
- With an indefinite postponement report.
- With an indefinite postponement report, with a Minority Report attached.
- With recommendation that it be adopted. (HOUSE RESOLUTION ONLY)

2/24/99

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1999

H

D

HOUSE JOINT RESOLUTION DRHJR1323-RN(7.12)

Sponsors: Rules, Calendar, and Operations of the House Committee.

Referred to:

1 A JOINT RESOLUTION SETTING THE TIME FOR ADJOURNMENT OF THE
2 1999 GENERAL ASSEMBLY TO MEET IN 2000 AND LIMITING THE
3 SUBJECTS THAT MAY BE CONSIDERED IN THAT SESSION.

4 Be it resolved by the House of Representatives, the Senate concurring:

5 Section 1. When they adjourn on Tuesday, July 20, 1999, the House of
6 Representatives and the Senate shall adjourn to reconvene at noon on Monday, May
7 8, 2000. During that session only the following matters may be considered:

- 8 (1) Bills directly and primarily affecting the State budget, including the
9 budget of an occupational licensing board, for fiscal year 2000-
10 2001, provided that the bill must be submitted to the Bill Drafting
11 Division of the Legislative Services Office no later than 4:00 p.m.
12 Thursday, May 18, 2000, and must be introduced in the House of
13 Representatives or filed for introduction in the Senate no later
14 than 4:00 p.m. Thursday, May 25, 2000.
- 15 (2) Bills and resolutions introduced in 1999 and having passed third
16 reading in 1999 in the house in which introduced, received in the
17 other house in accordance with Senate Rule 41 or House Rule
18 31.1(d) as appropriate, and not disposed of in the other house by
19 tabling, unfavorable committee report, indefinite postponement, or
20 failure to pass any reading, and which do not violate the rules of
21 the receiving house.
- 22 (3) Bills and resolutions implementing the recommendations of:
23 a. Study commissions and statutory commissions authorized or
24 directed to report to the 2000 Session;
25 b. The General Statutes Commission, the Courts Commission,
26 or any commission created under Chapter 120 of the

1 General Statutes that is authorized or directed to report to
2 the General Assembly;

3 c. The House Ethics Committee; or

4 d. The Joint Legislative Ethics Committee or its Advisory
5 Subcommittee.

6 A bill authorized by this subdivision must be submitted to the Bill
7 Drafting Division of the Legislative Services Office no later than
8 4:00 p.m. Wednesday, May 10, 2000, and must be filed for
9 introduction in the Senate or introduced in the House of
10 Representatives no later than 4:00 p.m. Wednesday, May 17, 2000.

11 (4) Any local bill that has been submitted to the Bill Drafting Division
12 of the Legislative Services Office by 4:00 p.m. Wednesday, May 17,
13 2000, is introduced in the House of Representatives or filed for
14 introduction in the Senate by 4:00 p.m. Wednesday, May 24, 2000,
15 and is accompanied by a certificate signed by the principal sponsor
16 stating that no public hearing will be required or asked for by a
17 member on the bill, the bill is noncontroversial, and that the bill is
18 approved for introduction by each member of the House of
19 Representatives and Senate whose district includes the area to
20 which the bill applies.

21 (5) Selection, appointment, or confirmation of members of State
22 boards and commissions as required by law, including the filling of
23 vacancies of positions for which the appointees were elected by the
24 General Assembly upon recommendation of the Speaker of the
25 House of Representatives, President of the Senate, or President Pro
26 Tempore of the Senate.

27 (6) Any matter authorized by joint resolution passed during the 2000
28 Regular Session by a two-thirds majority of the members of the
29 House of Representatives present and voting and by a two-thirds
30 majority of the members of the Senate present and voting. A bill
31 or resolution filed in either house under the provisions of this
32 subdivision shall have a copy of the ratified enabling resolution
33 attached to the jacket before filing for introduction in the Senate
34 or introduction in the House of Representatives.

35 (7) A joint resolution authorizing the introduction of a bill pursuant to
36 subdivision (6) of this section.

37 (8) Any bills primarily affecting any State or local pension or
38 retirement system, provided that the bill has been submitted to the
39 Bill Drafting Division of the Legislative Services Office no later
40 than 4:00 p.m. Wednesday, May 17, 2000, and is introduced in the
41 House of Representatives or filed for introduction in the Senate no
42 later than 4:00 p.m. Wednesday, May 24, 2000.

43 (9) Joint resolutions, House resolutions, and Senate resolutions
44 pertaining to Section 5(10) of Article III of the Constitution of

1 North Carolina or authorized for introduction under Senate Rule
2 40(b) or House Rule 31(g).

3 (10) A joint resolution adjourning the 1999 Regular Session, sine die.

4 (11) Bills to disapprove rules under G.S. 150B-21.3.

5 (12) Constitutional amendments.

6 Section 2. A bill containing no substantive provisions may not be
7 introduced in the House of Representatives during the 2000 Regular Session.

8 Section 3. The Speaker of the House of Representatives or the President
9 Pro Tempore of the Senate may authorize appropriate committees or subcommittees
10 of their respective houses to meet during the interim between sessions to:

11 (1) Review matters related to the State budget for the 1999-2001
12 biennium,

13 (2) Prepare reports, including revised budgets, or

14 (3) Consider any other matters as the Speaker of the House of
15 Representatives or the President Pro Tempore of the Senate deems
16 appropriate,

17 except that no committee or subcommittee of a house may consider, after the date of
18 adjournment provided in Section 1 of this resolution and before the date of
19 reconvening provided in Section 1 of this resolution, any bill, or proposed committee
20 substitute for such bill, which originated in the other house. A conference committee
21 may meet in the interim upon approval by the Speaker of the House of
22 Representatives or the President Pro Tempore of the Senate.

23 Section 4. This resolution is effective upon ratification.

**1999 HOUSE OF REPRESENTATIVES
COMMITTEE REPORT - BILL INTRODUCTION**

The following report(s) from standing committee(s) is/are presented:

Representative **Culpepper** , for the Committee on **Rules, Calendar, and Operations of the House**
(Committee Chair's Name) (Committee Name)

submits the following bill with a favorable report for introduction.

A JOINT RESOLUTION SETTING THE TIME FOR ADJOURNMENT OF THE 1999 GENERAL ASSEMBLY TO MEET IN 2000 AND LIMITING THE SUBJECTS THAT MAY BE CONSIDERED IN THAT SESSION.

(FOR JOURNAL USE ONLY)

____ Pursuant to Rule 31(a), the bill is filed, assigned the number H. B. ____ and placed on the Calendar for its ____ reading.

VISITOR REGISTRATION SHEET

10:00

Rules

July 20, 1999

VISITORS: PLEASE SIGN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY
1. John Bowditch	Job Alley P.A.
2. Henry Jones	Attorney - Raleigh
3. John	Payne & Spruill
4. Gordon Payne	Gov. Office
5. Gordon Spruill	Gov. Office
6. USA PELES	THE INSIDER
7. Paul Wilms	NCKBA
8. Marshall	ATAA
9. Sam Philly	BPM Hz
10. Steve Lentos	Brown Pierce
11. Monty Glass	DOA
22. Ed Decon	N.C.A.C.C.
23. Andy Romanit	N.C.L.M.
24. Jim Holmes	TENIK
25. Gmarcham	ETHS
26. John Palisades	AT&T
27. C. Porter	Boned Associates
28. Can Cove	BPM & L
29.	
30.	
31.	

VISITOR REGISTRATION SHEET

Rules

7-20-99 10:00

VISITORS: PLEASE SIGN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY
1. <u>Hal Miller</u>	<u>NCAECT</u>
2. <u>John Cyrus</u>	<u>NC State Exchange</u>
3. <u>Mark Mumbath</u>	<u>Fayrer & Spruill</u>
4. <u>Melissa Lovell</u>	<u>DOJ</u>
5. <u>Chris Cuff</u>	<u>ACLU-NC</u>
6. <u>Stacy Flannery</u>	<u>NC HCFA</u>
7. <u>Dance Amos</u>	<u>SEANC</u>
8. <u>Laura Hartsell</u>	<u>NC Bar Association</u>
9. <u>Tommy Worth</u>	<u>Carlier Health Care System</u>
10. <u>Steve Woods</u>	<u>NC Term Bureau</u>
11. <u>BRUCE THOMPSON</u>	<u>PARKER, POE, ADAMS + BERNSTEIN</u>
22. <u>Stephen Daniels</u>	<u>NCFPL</u>
23. <u>Mark Season</u>	<u>Capital Group</u>
24. _____	_____
25. _____	_____
26. _____	_____
27. _____	_____
28. _____	_____
29. _____	_____
30. _____	_____
31. _____	_____

AGENDA

**HOUSE COMMITTEE ON RULES, CALENDAR AND
OPERATIONS OF THE HOUSE**

**July 21, 1999
Room 421 LOB
1:10 PM**

OPENING REMARKS

Representative Culpepper, Chairman

CONSIDERATION OF BILLS

ACTION TAKEN ON BILLS

ADJOURNMENT

MINUTES OF THE COMMITTEE ON RULES, CALENDAR AND OPERATIONS OF
THE HOUSE

July 21, 1999

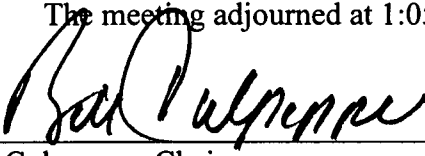
The Committee on Rules, Calendar and Operations of the House met on July 21, 1999 at 1:00 p.m. in Room 421 of the Legislative Office Building. The following members were present: Representatives Culpepper, Chairman; Hackney, Vice Chairman; Alexander, Crawford, Gibson, Gulley, Hill, Jarrell, McCombs, Tolson, Wright, and Yongue.

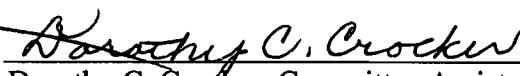
The following bill was considered:

Senate Bill 117 – AN ACT TO EXPAND THE MEMBERSHIP OF THE JOINT LEGISLATIVE COMMISSION ON GOVERNMENTAL OPERATIONS.

Representative Crawford moved that a proposed committee substitute be adopted for the purpose of discussion. Without objection, it was so ordered. The proposed committee substitute changes the title to AN ACT TO MAKE TECHNICAL CORRECTIONS TO THE APPOINTMENTS BILL. Following an explanation of technical corrections of the bill by Gerry Cohen, Director of the Bill Drafting Division, Representative Wright moved that the proposed committee substitute be given a favorable report, unfavorable as to the original bill. The motion passed.

The meeting adjourned at 1:05 p.m.


Bill Culpepper, Chairman


Dorothy C. Crocker, Committee Assistant

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 1999

S

1

SENATE BILL 117

Short Title: Expand Membership/Gov Ops Commission.

(Public)

Sponsors: Senator Soles.

Referred to: Rules and Operations of the Senate.

February 17, 1999

A BILL TO BE ENTITLED

1
2 AN ACT TO EXPAND THE MEMBERSHIP OF THE JOINT LEGISLATIVE
3 COMMISSION ON GOVERNMENTAL OPERATIONS.

4 The General Assembly of North Carolina enacts:

5 Section 1. G.S. 120-74 reads as rewritten:

6 "**§ 120-74. Appointment of members; terms of office.**

7 The Commission shall consist of ~~30~~ 34 members. The President pro tempore of the
8 Senate, the Speaker pro tempore of the House, and the Majority Leader of the Senate
9 and the Speaker of the House shall serve as ex officio members of the Commission.
10 The Speaker of the House of Representatives shall appoint ~~13~~ 15 members from the
11 House. The President pro tempore of the Senate shall appoint ~~13~~ 15 members from
12 the Senate. Vacancies created by resignation or otherwise shall be filled by the
13 original appointing authority. Members shall serve two-year terms beginning and
14 ending on January 15 of the odd-numbered years, ~~except that initial appointments~~
15 ~~shall begin on July 1, 1975.~~ years. Members shall not be disqualified from completing
16 a term of service on the Commission because they fail to run or are defeated for
17 reelection. Resignation or removal from the General Assembly shall constitute
18 resignation or removal from membership on the Commission. ~~The terms of the initial~~
19 ~~members of the Commission shall expire January 15, 1977."~~

20 Section 2. The initial terms of the four additional members of the Joint
21 Legislative Commission on Governmental Operations that are added to the
22 Commission in Section 1 of this act shall begin on appointment.

23 Section 3. This act is effective when it becomes law.

1 "(a) There is hereby created the North Carolina Real Estate Commission,
2 hereinafter called the Commission. The Commission shall consist of nine members,
3 seven members to be appointed by the Governor, one member to be appointed by
4 the General Assembly upon the recommendation of the President Pro Tempore of
5 the Senate in accordance with G.S. 120-121, and one member to be appointed by the
6 General Assembly upon the recommendation of the ~~President Pro Tempore of the~~
7 Senate Speaker of the House of Representatives in accordance with G.S. 120-121. At
8 least three members of the Commission shall be licensed real estate brokers or real
9 estate salesmen. At least two members of the Commission shall be persons who are
10 not involved directly or indirectly in the real estate or real estate appraisal business.
11 Members of the Commission shall serve three-year terms, so staggered that the terms
12 of two members expire in one year, the terms of two members expire in the next
13 year, and the terms of three members expire in the third year of each three-year
14 period. The members of the Commission shall elect one of their members to serve as
15 chairman of the Commission for a term of one year. The Governor may remove any
16 member of the Commission for misconduct, incompetency, or willful neglect of duty.
17 The Governor shall have the power to fill all vacancies occurring on the Commission,
18 except vacancies in legislative appointments shall be filled under G.S. 120-122."

19 Section 3. If Senate Bill 437, 1999 Regular Session, becomes law, then
20 G.S. 90-139(a), as rewritten by that act, reads as rewritten:

21 "(a) The State Board of Chiropractic Examiners is created to consist of eight
22 members appointed by the Governor, and General Assembly. Seven of the members
23 shall be practicing doctors of chiropractic, who are residents of this State and who
24 have actively practiced chiropractic in the State for at least eight consecutive years
25 immediately preceding their appointments; ~~four~~ five of these seven members shall be
26 appointed by the Governor, and two by the General Assembly in accordance with
27 G.S. 120-121, one each upon the recommendation of the President Pro Tempore of
28 the Senate and the Speaker of the House of Representatives. No more than three
29 members of the Board may be graduates of the same college or school of
30 chiropractic. The other member shall be a person chosen by the Governor to
31 represent the public at large. The public member shall not be a health care provider
32 nor the spouse of a health care provider. For purposes of Board membership, "health
33 care provider" means any licensed health care professional and any agent or
34 employee of any health care institution, health care insurer, health care professional
35 school, or a member of any allied health profession. For purposes of this section, a
36 person enrolled in a program to prepare him to be a licensed health care professional
37 or an allied health professional shall be deemed a health care provider. For purposes
38 of this section, any person with significant financial interest in a health service or
39 profession is not a public member."

40 Section 4. If Senate Bill 437, 1999 Regular Session, becomes law, then
41 Section 2.11 of that act reads as rewritten:

42 "Section 2.11. Gary Eichelberger of ~~Wake~~ Wayne County is appointed to
43 the Crime Victims Compensation Commission for a term expiring June 30, 2003."

1 Section 5. If Senate Bill 437, 1999 Regular Session, becomes law, then
2 Section 2.26 of that act reads as rewritten:

3 "Section 2.26. Fred Yates of ~~Hertford~~ Perquimans County, Edmond
4 Buckman of Beaufort County, and G.B. Warner of ~~Pasquotank~~ Hyde County are
5 appointed to the Northeastern North Carolina Regional Economic Development
6 Commission for terms expiring June 30, 2003."

7 Section 6. Upon the recommendation of the Speaker of the House of
8 Representatives, William Lackey of Mecklenburg County is appointed to the North
9 Carolina Real Estate Commission for a term expiring June 30, 2002.

10 Section 7. If Senate Bill 437, 1999 Regular Session, becomes law, then
11 Section 1.11 of that act reads as rewritten:

12 "Section 1.11. ~~Michael Weisel of Wake County and~~ Thomas P. Dillion of Union
13 County ~~are~~ is appointed to the Board of Directors of the North Carolina Railroad for
14 ~~terms a term~~ expiring June 30, 2001. Robert F. Bleeker of Cumberland County and
15 Michael Weisel of Wake County are ~~is~~ appointed to the Board of Directors of the
16 North Carolina Railroad for ~~a term~~ terms expiring June 30, 2003."

17 Section 8. This act is effective when it becomes law.

**1999 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES**

The following report(s) from standing committee(s) is/are presented:

By Representative(s) **Culpepper** for the Committee on **RULES, CALENDAR AND OPERATIONS OF THE House.**

- Committee Substitute for
S.B. 117 A BILL TO BE ENTITLED AN ACT TO EXPAND THE MEMBERSHIP OF
THE JOINT LEGISLATIVE COMMISSION ON GOVERMENTAL OPERATIONS.
- With a favorable report.
- With a favorable report and recommendation that the bill be re-referred to the Committee on
Appropriations Finance .
- With a favorable report, as amended.
- With a favorable report, as amended, and recommendation that the bill be re-referred to the
Committee on Appropriations Finance .
- With a favorable report as to ^{HOUSE} committee substitute bill (~~#~~), which changes the title,
unfavorable as to (original bill) (~~Committee Substitute Bill #~~), (and recommendation
~~that the committee substitute bill #~~ be re-referred to the Committee on ~~_____~~)
- With a favorable report as to House committee substitute bill (# _____), which changes
the title, unfavorable as to Senate committee substitute bill.
- With an unfavorable report.
- With recommendation that the House concur.
- With recommendation that the House do not concur.
- With recommendation that the House do not concur; request conferees.
- With recommendation that the House concur; committee believes bill to be material.
- With an unfavorable report, with a Minority Report attached.
- Without prejudice.
- With an indefinite postponement report.
- With an indefinite postponement report, with a Minority Report attached.
- With recommendation that it be adopted. (HOUSE RESOLUTION ONLY)

2/24/99

VISITOR REGISTRATION SHEET

Rules

7/21/99

VISITORS: PLEASE SIGN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY
1. <u>LISA REEFES</u>	<u>THE INSIDER</u>
2. <u>Eric Dyer</u>	<u>Greensboro News & Record</u>
3. <u>D.C. Costine</u>	<u>The Wright Institute</u>
4. <u>Martha Glass</u>	<u>DOA</u>
5. <u>MT Burnett</u>	<u>GACP/D</u>
6. <u>Koz Sawitt</u>	<u>NECC</u>
7. <u>Jeff Van Dyke</u>	<u>BELLSOUTH</u>
8. <u>Suzanne Williams</u>	<u>NCCS</u>
9. <u>Hal Miller</u>	<u>NEAECT</u>
10. <u>Nen Kinnin</u>	<u>American Council</u>
11. <u>Julie R McQueen</u>	<u>Poe Center for Health Education</u>
22. _____	_____
23. _____	_____
24. _____	_____
25. _____	_____
26. _____	_____
27. _____	_____
28. _____	_____
29. _____	_____
30. _____	_____
31. _____	_____

MINUTES OF THE COMMITTEE ON RULES, CALENDAR AND
OPERATIONS OF THE HOUSE

December 16, 1999

The Committee on Rules, Calendar and Operations of the House met on December 16, 1999 at 10:00 a.m. in Room 421 of the Legislative Office Building. The following members were present: Representatives Culpepper, Chairman; Alexander, Allen, Gulley, Hill, Jarrell, Luebke, McCombs, Tolson, Wood and Yongue.

The following resolution was considered:

HOUSE JOINT RESOLUTION 3 - A JOINT RESOLUTION PROVIDING FOR ADJOURNMENT SINE DIE OF THE 1999 EXTRA SESSION. Representative Hill offered an amendment changing the adjournment date to December 16, 1999 and moved for its adoption. The motion carried. Representative Allen moved that the amendment be incorporated into a committee substitute and that the committee substitute be given a favorable report, unfavorable as to the original resolution. The motion carried.

Representative Allen was recognized and expressed appreciation and gratitude to Linwood Jones for his work as staff attorney to the Rules Committee. Mr. Jones will be leaving the General Assembly for a position as General Counsel to the Hospital Association.

There being no further business, the meeting was adjourned in honor of Linwood Jones at 10:10 a.m.


Representative Bill Culpepper, Chairman


Dorothy C. Crocker, Committee Assistant

GENERAL ASSEMBLY OF NORTH CAROLINA
EXTRA SESSION 1999

H

1

HOUSE JOINT RESOLUTION 3

Sponsors: Representative Culpepper.

Referred to: Rules, Calendar and Operations of the House.

December 15, 1999

- 1 A JOINT RESOLUTION PROVIDING FOR ADJOURNMENT SINE DIE OF THE
2 1999 EXTRA SESSION.
3 Be it resolved by the House of Representatives, the Senate concurring:
4 Section 1. When the Senate and the House of Representatives,
5 constituting the 1999 Extra Session of the General Assembly, do adjourn on
6 Wednesday, December 15, 1999, they stand adjourned sine die.
7 Section 2. This resolution is effective upon ratification.

NORTH CAROLINA GENERAL ASSEMBLY AMENDMENT

(Please type or use ballpoint pen)

EDITION No. _____

H. B. No. _____

DATE _____

S. B. No. _____

Amendment No. _____

(to be filled in by
Principal Clerk)

COMMITTEE SUBSTITUTE _____

Rep.)

Sen.)

1 moves to amend the bill on page 1, line 6

2 () WHICH CHANGES THE TITLE

3 by deleting "Wednesday, December 15,

4 1999" and inserting "Thursday,

5 December 16, 1999".

6 _____

7 _____

8 _____

9 _____

10 _____

11 _____

12 _____

13 _____

14 _____

15 _____

16 _____

17 _____

18 _____

19 _____

SIGNED

Clemmy Hill

ADOPTED _____ FAILED _____ TABLED _____

**1999 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES**

The following report(s) from standing committee(s) is/are presented:

By Representative(s) CULPEPPER for the Committee on RULES, CALENDAR AND
OPERATIONS OF THE HOUSE

- Committee Substitute for
H.J.R. 3 A JOINT RESOLUTION PROVIDING FOR ADJOURNMENT SINE DIE OF
THE 1999 EXTRA SESSION.
- With a favorable report.
- With a favorable report and recommendation that the bill be re-referred to the Committee on
Appropriations Finance .
- With a favorable report, as amended.
- With a favorable report, as amended, and recommendation that the bill be re-referred to the
Committee on Appropriations Finance .
- With a favorable report as to committee substitute bill, unfavorable as to original bill.
- With a favorable report as to House committee substitute bill (#), which changes
the title, unfavorable as to Senate committee substitute bill.
- With an unfavorable report.
- With recommendation that the House concur.
- With recommendation that the House do not concur.
- With recommendation that the House do not concur; request conferees.
- With recommendation that the House concur; committee believes bill to be material.
- With an unfavorable report, with a Minority Report attached.
- Without prejudice.
- With an indefinite postponement report.
- With an indefinite postponement report, with a Minority Report attached.
- With recommendation that it be adopted. (HOUSE RESOLUTION ONLY)

2/24/99

MINUTES OF THE COMMITTEE ON RULES, CALENDAR AND OPERATIONS OF
THE HOUSE

May 17, 2000


The Committee on Rules, Calendar and Operations of the House met on May 17, 2000 at 11:05 a.m. in Room 421 of the Legislative Office Building. The following members were present: Representatives Culpepper, Chairman; Hackney, Vice Chairman; Alexander, Gibson, Gulley, Hill, Jarrell, McCombs, Nye, Tolson and Yongue.

The chairman called the meeting to order to consider the following resolution:

HOUSE RESOLUTION 1522—A HOUSE RESOLUTION HONORING THE LIFE AND MEMORY OF LORD GEORGE ANSON FOR WHOM ANSON COUNTY IS NAMED UPON THE COUNTY'S 250TH ANNIVERSARY. A proposed committee substitute was offered, and Representative Gulley moved for its adoption. The motion carried. Representative Gibson, bill sponsor, was recognized and requested that Representative Barefoot make a few comments on the history of Anson County. Representative Yongue then made a motion that the committee substitute resolution be adopted and that the original resolution not be adopted. The motion passed.

There being no further business, the meeting adjourned at 11:15 a.m.

Respectfully submitted,


Representative Bill Culpepper, Chairman


Dorothy C. Crocker, Committee Assistant

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1999

H

1

HOUSE RESOLUTION 1522*

Sponsors: Representative Gibson.

Referred to: Rules, Calendar, and Operations of the House.

May 15, 2000

1 A HOUSE RESOLUTION HONORING THE LIFE AND MEMORY OF LORD
2 GEORGE ANSON FOR WHOM ANSON COUNTY IS NAMED UPON THE
3 COUNTY'S 250TH ANNIVERSARY.

4 Whereas, Anson County was formed from Bladen County in 1750; and

5 Whereas, Anson County was named for Lord George Anson, first Lord of
6 the British Admiralty, who for a number of years assisted in protecting North
7 Carolina's coast from pirates; and

8 Whereas, Anson County has been home to many great citizens including
9 former congressmen, Colonel Risdin Tyler Bennett, James A. Lockhart, A. Paul
10 Kitchin, and Reverend Charles H. Martin; former lieutenant governors, Hoyt P.
11 Taylor, Sr. and Hoyt P. Taylor, Jr.; a drafter of the Bill of Rights, Samuel Spencer;
12 and Revolutionary War hero, Thomas Wade; and

13 Whereas, other natives of Anson County include: Ada Ford Singleton,
14 pioneer in civil rights; Marjorie Robinson, education leader; Jane Pratt, North
15 Carolina's first female Congress member; Fred M. Mills, Jr., North Carolina's first
16 Secretary of Transportation; Frank Dunlap, former chair of the State Highway
17 Commission; Hugh Hammond Bennett, father of soil conservation and the first soil
18 conservationist; Leonidas Polk, North Carolina's first Commissioner of Agriculture
19 and founder of Progressive Farmer magazine; and Arthur T. Dean, a Major General
20 in the United States Army; and

21 Whereas, Anson County is known for its agricultural, timber, livestock,
22 mineral, and textile products; and

23 Whereas, Anson County was home to the nation's first soil conservation
24 district; and

25 Whereas, the people of Anson County are hospitable and hardworking
26 citizens who are proud of their past and look forward to their future; and

1 Whereas, the citizens of Anson County have been actively preparing for
2 the County's 250th Anniversary; and

3 Whereas, Anson County's 250th Anniversary is worthy of celebration and
4 should be enjoyed and supported by all of North Carolina's citizens; Now, therefore,
5 Be it resolved by the House of Representatives:

6 Section 1. The House of Representatives honors the life and memory of
7 Lord George Anson upon the 250th Anniversary of Anson County.

8 Section 2. The House of Representatives proclaims May 20, 2000, as
9 Anson County Day and urges the citizens of this State to participate in activities
10 commemorating this historic event.

11 Section 3. The Principal Clerk shall transmit a certified copy of this
12 resolution to the Chair of the Anson County Board of Commissioners.

13 Section 4. This resolution is effective upon adoption.

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1999

H

D

HOUSE RESOLUTION 1522*
Proposed Committee Substitute H1522-PCS6272-LG

Sponsors:

Referred to:

May 15, 2000

1 A HOUSE RESOLUTION HONORING THE LIFE AND MEMORY OF LORD
2 GEORGE ANSON FOR WHOM ANSON COUNTY IS NAMED UPON THE
3 COUNTY'S 250TH ANNIVERSARY.

4 Whereas, Anson County was formed from Bladen County in 1750; and

5 Whereas, Anson County was named for Lord George Anson, first Lord of
6 the British Admiralty, who for a number of years assisted in protecting North
7 Carolina's coast from pirates; and

8 Whereas, Anson County has been home to many great citizens including
9 former congressmen, Colonel Risdin Tyler Bennett, James A. Lockhart, A. Paul
10 Kitchin, and Reverend Charles H. Martin; former lieutenant governors, Hoyt P.
11 Taylor, Sr.; a drafter of the Bill of Rights, Samuel Spencer; and Revolutionary War
12 hero, Thomas Wade; and

13 Whereas, other natives of Anson County include: Ada Ford Singleton,
14 pioneer in civil rights; Marjorie Robinson, education leader; Jane Pratt, North
15 Carolina's first female Congress member; Fred M. Mills, Jr., North Carolina's first
16 Secretary of Transportation; Frank Dunlap, former chair of the State Highway
17 Commission; Hugh Hammond Bennett, father of soil conservation and the first soil
18 conservationist; and Leonidas Polk, North Carolina's first Commissioner of
19 Agriculture and founder of Progressive Farmer magazine; and

20 Whereas, Anson County is known for its agricultural, timber, livestock,
21 mineral, and textile products; and

22 Whereas, Anson County was home to the nation's first soil conservation
23 district; and

24 Whereas, the people of Anson County are hospitable and hardworking
25 citizens who are proud of their past and look forward to their future; and

1. Whereas, the citizens of Anson County have been actively preparing for
2 the County's 250th Anniversary; and

3 Whereas, Anson County's 250th Anniversary is worthy of celebration and
4 should be enjoyed and supported by all of North Carolina's citizens; Now, therefore,
5 Be it resolved by the House of Representatives:

6 Section 1. The House of Representatives honors the life and memory of
7 Lord George Anson upon the 250th Anniversary of Anson County.

8 Section 2. The House of Representatives urges the citizens of this State
9 to participate in activities commemorating this historic event.

10 Section 3. The Principal Clerk shall transmit a certified copy of this
11 resolution to the Chair of the Anson County Board of Commissioners.

12 Section 4. This resolution is effective upon adoption.

**1999 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES**

The following report(s) from standing committee(s) is/are presented:

By Representative(s) **Culpepper** for the Committee on **Rules, Calendar and Operations of the House.**

Committee Substitute for
H.R. 1522 A HOUSE RESOLUTION HONORING THE LIFE AND MEMORY OF LORD
GEORGE ANSON FOR WHOM ANSON COUNTY IS NAMED UPON THE COUNTY'S
250TH ANNIVERSARY.

- With a favorable report.
- With a favorable report and recommendation that the bill be re-referred to the Committee on Appropriations Finance .
- With a favorable report, as amended.
- With a favorable report, as amended, and recommendation that the bill be re-referred to the Committee on Appropriations Finance .
- With a favorable report as to committee substitute bill (#), which changes the title, unfavorable as to (original bill) (Committee Substitute Bill #), (and recommendation that the committee substitute bill #) be re-referred to the Committee on .)
- With a favorable report as to House committee substitute bill (#), which changes the title, unfavorable as to Senate committee substitute bill.
- With an unfavorable report.
- With recommendation that the House concur.
- With recommendation that the House do not concur.
- With recommendation that the House do not concur; request conferees.
- With recommendation that the House concur; committee believes bill to be material.
- With an unfavorable report, with a Minority Report attached.
- Without prejudice.
- With an indefinite postponement report.
- With an indefinite postponement report, with a Minority Report attached.
- With recommendation that the committee substitute resolution be adopted, unfavorable as to original resolution. (HOUSE RESOLUTION ONLY)

2/24/99

MINUTES OF THE COMMITTEE ON RULES, CALENDAR AND OPERATIONS OF
THE HOUSE

May 31, 2000

The Committee on Rules, Calendar and Operations of the House met on May 31, 2000 at 12:05 p.m. in Room 421 of the Legislative Office Building. The following members were present: Representatives Culpepper, Chairman; Hackney, Vice Chairman, Alexander, Allen, Crawford, Gibson, Gulley, Jarrell, Leubke, McCombs, McMahan, Tolson and Yongue.

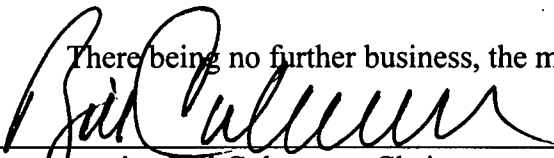
The following resolutions and bill were considered:

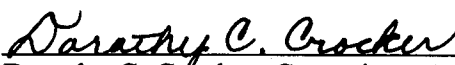
HOUSE RESOLUTION 1770- A HOUSE RESOLUTION HONORING SIR THOMAS HAY LORD DUPLIN OF SCOTLAND, ON THE 250TH ANNIVERSARY OF DUPLIN COUNTY. Representative Tucker, sponsor of the resolution, was recognized and made a brief presentation of the resolution after which Representative Yongue moved for its adoption. The motion carried.

HOUSE RESOLUTION 1781 – A HOUSE RESOLUTION HONORING THE LIFE AND MEMORY OF ANGUS LEACH AND RECOGNIZING JUNE 3, 2000, AS STAR 2000 CELEBRATION DAY IN THE TOWN OF STAR. Representative Gibson, sponsor of the resolution, was recognized. After remarking that Star is the southern boundary of the famous Seagrove pottery area and is known worldwide for its Christmas indicia, he moved for the adoption of the resolution, and the motion carried.

COMMITTEE SUBSTITUTE FOR HOUSE BILL 98 – AN ACT TO AMEND THE CONSTITUTION OF NORTH CAROLINA TO PROVIDE FOR FOUR-YEAR TERMS FOR MEMBERS OF THE GENERAL ASSEMBLY. The chairman stated that there would not be a vote on the bill at the meeting. He recognized Representative Sutton, bill sponsor, who explained the bill. Representative Sutton explained that the bill speaks of an election in November 1999 and, therefore, requires an amendment to comply with a potential November 2000 referendum. He reasoned that the short period of time for campaigning is difficult and even more difficult for raising funds in that the public is tired of constant campaigning by politicians. Following his explanation, Representative Yongue spoke in favor of the bill and Representative Gulley spoke against the bill.

There being no further business, the meeting adjourned at 12:25 p.m.


Representative Bill Culpepper, Chairman


Dorothy C. Crocker, Committee Assistant

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1999

H

1

HOUSE RESOLUTION 1770*

Sponsors: Representatives Tucker; Ford and Goodwin.

Referred to: Rules, Calendar, and Operations of the House.

May 25, 2000

1 A HOUSE RESOLUTION HONORING SIR THOMAS HAY, LORD DUPPLIN OF
2 SCOTLAND, ON THE 250TH ANNIVERSARY OF DUPLIN COUNTY.

3 Whereas, Duplin County was created on April 7, 1750, from New
4 Hanover County, by the General Assembly; and

5 Whereas, the county was named in honor of Sir Thomas Hay, Lord
6 Dupplin of Scotland who served on Great Britain's Board of Trades and Plantations;
7 and

8 Whereas, Duplin County, situated in the middle Cape Fear Region of the
9 State, is an area rich in history with an agricultural heritage that has been enhanced
10 by economic and cultural diversity through the years by the talents of citizens who
11 are proud of their past and preparing for their future; and

12 Whereas, on April 7, 2000, Duplin County celebrated its 250th
13 anniversary; and

14 Whereas, the Duplin County Commissioners appointed a 250th
15 Anniversary Celebration Council charged with the duty of commemorating this
16 monumental event; and

17 Whereas, this council has been diligently planning events recognizing and
18 honoring the county's rich heritage; and

19 Whereas, activities and events commemorating the 250th anniversary are
20 being held throughout the year 2000, spreading the news to the citizens of this State
21 of this historic milestone; Now, therefore,

22 Be it resolved by the House of Representatives:

23 Section 1. The House of Representatives honors the life and memory of
24 Sir Thomas Hay, Lord Dupplin of Scotland.

25 Section 2. The House of Representatives congratulates Duplin County on
26 its 250th anniversary.

- 1 Section 3. The Principal Clerk shall transmit a certified copy of this
2 resolution to the chair of the Duplin County Commissioners.
3 Section 4. This resolution is effective upon adoption.

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1999

H

1

HOUSE RESOLUTION 1781

Sponsors: Representatives Gibson; and Goodwin.

Referred to: Rules, Calendar, and Operations of the House.

May 25, 2000

1 A HOUSE RESOLUTION HONORING THE LIFE AND MEMORY OF ANGUS
2 LEACH AND RECOGNIZING JUNE 3, 2000, AS STAR 2000 CELEBRATION
3 DAY IN THE TOWN OF STAR.

4 Whereas, the Town of Star, located in Montgomery County, was
5 chartered in 1897; and

6 Whereas, the Town of Star was once known as Hunsucker's Store; and

7 Whereas, Postmaster Angus Leach renamed the area as Star; and

8 Whereas, the Town of Star is the geographical center of North Carolina
9 and home of the State's finest fiddlers' convention; and

10 Whereas, the Town of Star is also known internationally for its unique
11 Christmas postmark; and

12 Whereas, the citizens of Star, both past and present, are proud of their
13 heritage and have just cause for fellowship and celebration; and

14 Whereas, there is a need and desire to share in fellowship and celebrate a
15 time of homecoming and reunion in remembrance of this heritage; Now, therefore,
16 Be it resolved by the House of Representatives:

17 Section 1. The House of Representatives honors the life and memory of
18 Angus Leach and recognizes June 3, 2000, as Star 2000 Celebration Day, a day to be
19 shared in joy, fellowship, homecoming, and high school reunion for citizens and
20 friends. The House of Representatives encourages the citizens of this State to
21 participate in the Town of Star's annual celebration to be held the first Saturday in
22 June.

23 Section 2. The Principal Clerk shall transmit a certified copy of this
24 resolution to the Mayor of the Town of Star.

25 Section 3. This resolution is effective upon adoption.

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1999

H

2

HOUSE BILL 98
Committee Substitute Favorable 4/22/99

Short Title: Four-Year Terms.

(Public)

Sponsors:

Referred to:

February 17, 1999

1 A BILL TO BE ENTITLED
2 AN ACT TO AMEND THE CONSTITUTION OF NORTH CAROLINA TO
3 PROVIDE FOR FOUR-YEAR TERMS FOR MEMBERS OF THE GENERAL
4 ASSEMBLY.
5 The General Assembly of North Carolina enacts:
6 Section 1. Section 2 of Article II of the Constitution of North Carolina
7 reads as rewritten:
8 **"Sec. 2. Number of Senators.**
9 The Senate shall be composed of 50 Senators, ~~biennially~~ quadrennially chosen by
10 ballot."
11 Section 2. Section 4 of Article II of the Constitution of North Carolina
12 reads as rewritten:
13 **"Sec. 4. Number of Representatives.**
14 The House of Representatives shall be composed of 120 Representatives, ~~biennially~~
15 quadrennially chosen by ballot."
16 Section 3. Section 8 of Article II of the Constitution of North Carolina
17 reads as rewritten:
18 **"Sec. 8. Elections.**
19 The election for members of the General Assembly shall be held for the respective
20 districts in ~~1972~~ 2000 and every ~~two~~ four years thereafter, at the places and on the
21 day prescribed by law."
22 Section 4. Section 2(1) of Article III of the Constitution of North
23 Carolina reads as rewritten:

1 "(1) **Election and term.** The Governor and Lieutenant Governor shall be elected
2 by the qualified voters of the State in ~~1972~~ 2000 and every four years thereafter,
3 ~~same time and places as members of the General Assembly are elected~~ at the places
4 and on the day prescribed by law. Their term of office shall be four years and shall
5 commence on the first day of January next after their election and continue until
6 their successors are elected and qualified."

7 Section 5. Section 7(3) of Article III of the Constitution of North
8 Carolina reads as rewritten:

9 "(3) **Vacancies.** If the office of any of these officers is vacated by death,
10 resignation, or otherwise, it shall be the duty of the Governor to appoint another to
11 serve until his successor is elected and qualified. Every such vacancy shall be filled
12 by election at the ~~first election for members of the General Assembly~~ first statewide
13 election for members of the United States House of Representatives, that occurs more
14 than 60 days after the vacancy has taken place, and the person chosen shall hold the
15 office for the remainder of the unexpired term fixed in this Section. When a vacancy
16 occurs in the office of any of the officers named in this Section and the term expires
17 on the first day of January succeeding the next election for members of the General
18 Assembly, the Governor shall appoint to fill the vacancy for the unexpired term of
19 the office."

20 Section 6. Section 9(3) of Article IV of the Constitution of North
21 Carolina reads as rewritten:

22 "(3) **Clerks.** A Clerk of the Superior Court for each county shall be elected for a
23 term of four years by the qualified voters thereof, at the same time and places as
24 members of the ~~General Assembly~~ United States House of Representatives are
25 elected on a statewide basis. If the office of Clerk of the Superior Court becomes
26 vacant otherwise than by the expiration of the term, or if the people fail to elect, the
27 senior regular resident Judge of the Superior Court serving the county shall appoint
28 to fill the vacancy until an election can be regularly held."

29 Section 7. Section 18(1) of Article IV of the Constitution of North
30 Carolina reads as rewritten:

31 "(1) **District Attorneys.** The General Assembly shall, from time to time, divide the
32 State into a convenient number of prosecutorial districts, for each of which a District
33 Attorney shall be chosen for a term of four years by the qualified voters thereof, at
34 the same time and places as members of the ~~General Assembly~~ United States House
35 of Representatives are elected on a statewide basis. Only persons duly authorized to
36 practice law in the courts of this State shall be eligible for election or appointment as
37 a District Attorney. The District Attorney shall advise the officers of justice in his
38 district, be responsible for the prosecution on behalf of the State of all criminal
39 actions in the Superior Courts of his district, perform such duties related to appeals
40 therefrom as the Attorney General may require, and perform such other duties as the
41 General Assembly may prescribe."

42 Section 8. Section 19 of Article IV of the Constitution of North Carolina
43 reads as rewritten:

1 "Sec. 19. Vacancies. Unless otherwise provided in this Article, all vacancies
2 occurring in the offices provided for by this Article shall be filled by appointment of
3 the Governor, and the appointees shall hold their places until the ~~next election for~~
4 ~~members of the General Assembly~~ next statewide election for members of the United
5 States House of Representatives, that is held more than 60 days after the vacancy
6 occurs, when elections shall be held to fill the offices. When the unexpired term of
7 any of the offices named in this Article of the Constitution in which a vacancy has
8 occurred, and in which it is herein provided that the Governor shall fill the vacancy,
9 expires on the first day of January succeeding the ~~next election for members of the~~
10 ~~General Assembly~~ next statewide election for members of the United States House of
11 Representatives, the Governor shall appoint to fill that vacancy for the unexpired
12 term of the office. If any person elected or appointed to any of these offices shall fail
13 to qualify, the office shall be appointed to, held and filled as provided in case of
14 vacancies occurring therein. All incumbents of these offices shall hold until their
15 successors are qualified."

16 Section 9. The amendments set out in Sections 1 through 8 of this act
17 shall be submitted to the qualified voters of the State at a statewide election to be
18 held on the Tuesday after the first Monday in November of 1999, which election shall
19 be conducted under the laws then governing elections in the State. Ballots, voting
20 systems, or both may be used in accordance with Chapter 163 of the General
21 Statutes. The question to be used in the voting systems and ballots shall be:

22 "[] FOR [] AGAINST

23 Constitutional amendments making the term of members of the General
24 Assembly four years, beginning with members elected in 2000, and making
25 conforming amendments concerning the election of other officers and the filling of
26 vacancies."

27 Section 10. If a majority of votes cast on the question are in favor of the
28 amendments set out in Sections 1 through 8 of this act, the State Board of Elections
29 shall certify the amendments to the Secretary of State. The constitutional
30 amendments shall become effective January 1, 2000, and shall apply to members of
31 the General Assembly elected in the 2000 general election so that they shall serve
32 four-year terms. The Secretary of State shall enroll the amendments so certified
33 among the permanent records of that office.

34 Section 11. G.S. 7A-140 reads as rewritten:

35 "§ 7A-140. Number; election; term; qualification; oath.

36 There shall be at least one district judge for each district. Each district judge shall
37 be elected by the qualified voters of the district court district in which he is to serve
38 at the time ~~of the election for members of the General Assembly.~~ specified by
39 Chapter 163 of the General Statutes. The number of judges for each district shall be
40 determined by the General Assembly. Each judge shall be a resident of the district
41 for which elected, and shall serve a term of four years, beginning on the first Monday
42 in December following his election.

1 Each district judge shall devote his full time to the duties of his office. He shall not
2 practice law during his term, nor shall he during such term be the partner or
3 associate of any person engaged in the practice of law.

4 Before entering upon his duties, each district judge, in addition to other oaths
5 prescribed by law, shall take the oath of office prescribed for a judge of the General
6 Court of Justice."

7 Section 12. G.S. 147-4 reads as rewritten:

8 **"§ 147-4. Executive officers -- election; term; induction into office.**

9 The executive department shall consist of a Governor, a Lieutenant Governor, a
10 Secretary of State, an Auditor, a Treasurer, a Superintendent of Public Instruction, an
11 Attorney General, a Commissioner of Agriculture, a Commissioner of Insurance, and
12 a Commissioner of Labor, who shall be elected for a term of four years, by the
13 qualified electors of the State, ~~at the same time and places, and in the same manner,~~
14 ~~as members of the General Assembly are elected~~ as provided by Chapter 163 of the
15 General Statutes. Their term of office shall commence on the first day of January
16 next after their election and continue until their successors are elected and qualified.
17 The persons having the highest number of votes, respectively, shall be declared duly
18 elected, but if two or more be equal and highest in votes for the same office, then one
19 of them shall be chosen by joint ballot of both houses of the General Assembly.
20 Contested elections shall be determined by a joint ballot of both houses of the
21 General Assembly in such manner as shall be prescribed by law."

22 Section 13. G.S. 152-1 reads as rewritten:

23 **"§ 152-1. Election; vacancies in office; appointment by clerk in special cases.**

24 In each county a coroner shall be elected by the qualified voters thereof ~~in the~~
25 ~~same manner and at the same time as the election of members of the General~~
26 ~~Assembly~~ as provided by Chapter 163 of the General Statutes, and shall hold office
27 for a term of four years, or until his successor is elected and qualified.

28 A vacancy in the office of coroner shall be filled by the county commissioners, and
29 the person so appointed shall, upon qualification, hold office until his successor is
30 elected and qualified. If the coroner were elected as the nominee of a political party,
31 then the county commissioners shall consult with the county executive committee of
32 that political party before filling the vacancy, and shall appoint the person
33 recommended by that committee if the party makes a recommendation within 30 days
34 of the occurrence of the vacancy; this sentence shall apply only to the counties of
35 Alamance, Alleghany, Avery, Beaufort, Brunswick, Buncombe, Burke, Cabarrus,
36 Caldwell, Cherokee, Clay, Cleveland, Davidson, Davie, Graham, Guilford, Haywood,
37 Henderson, Jackson, Madison, McDowell, Mecklenburg, Moore, New Hanover, Polk,
38 Randolph, Rockingham, Rutherford, Stanly, Stokes, Transylvania, Wake, and Yancey.

39 When the coroner shall be out of the county, or shall for any reason be unable to
40 hold the necessary inquest as provided by law, or there is a vacancy existing in the
41 office of coroner which has not been filled by the county commissioners and it is
42 made to appear to the clerk of the superior court by satisfactory evidence that a
43 deceased person whose body has been found within the county probably came to his

1 death by the criminal act or default of some person, it is the duty of the clerk to
2 appoint some suitable person to act as coroner in such special case."

3 Section 14. G.S. 161-1, now superseded by G.S. 161-2, is repealed.

4 Section 15. G.S. 162-1 reads as rewritten:

5 **"§ 162-1. Election and term of office.**

6 In each county a sheriff shall be elected by the qualified voters thereof, as is
7 prescribed ~~for members of the General Assembly by Chapter 163 of the General~~
8 Statutes, and shall hold his office for four years."

9 Section 16. G.S. 163-1 is amended in the table by rewriting the "DATE
10 OF ELECTION" entries for State Senator and member of the State House of
11 Representatives to read: "Tuesday next after the first Monday in November 2000 and
12 every four years thereafter".

13 Section 17. G.S. 163-1 is further amended in the table by rewriting the
14 "TERM OF OFFICE" entries for State Senator and member of the State House of
15 Representatives to read: "Four years".

16 Section 18. G.S. 163-1 is further amended in the table by rewriting the
17 "DATE OF ELECTION" entries for justices and judges of the Appellate Division,
18 judges of the superior courts, judges of the district courts, district attorney, county
19 commissioners, clerk of superior court, register of deeds, sheriff, and coroner, to read:
20 "At the next regular statewide election for members of the United States House of
21 Representatives, immediately preceding the termination of each regular term."

22 Section 19. G.S. 163-8 reads as rewritten:

23 **"§ 163-8. Filling vacancies in State executive offices.**

24 If the office of Governor or Lieutenant Governor shall become vacant, the
25 provisions of G.S. 147-11.1 shall apply. If the office of any of the following officers
26 shall be vacated by death, resignation, or otherwise than by expiration of term, it
27 shall be the duty of the Governor to appoint another to serve until his successor is
28 elected and qualified: Secretary of State, Auditor, Treasurer, Superintendent of
29 Public Instruction, Attorney General, Commissioner of Agriculture, Commissioner of
30 Labor, and Commissioner of Insurance. Each such vacancy shall be filled by election
31 at the first statewide election for members of the ~~General Assembly~~ United States
32 House of Representatives, that occurs more than 60 days after the vacancy has taken
33 place, and the person chosen shall hold the office for the remainder of the unexpired
34 four-year term: Provided, that when a vacancy occurs in any of the offices named in
35 this section and the term expires on the first day of January succeeding ~~the next~~
36 election for members of the General Assembly the next statewide election for
37 members of the United States House of Representatives, the Governor shall appoint
38 to fill the vacancy for the unexpired term of the office.

39 Upon the occurrence of a vacancy in the office of any one of these officers for any
40 of the causes stated in the preceding paragraph, the Governor may appoint an acting
41 officer to perform the duties of that office until a person is appointed or elected
42 pursuant to this section and Article III, Section 7 of the State Constitution, to fill the
43 vacancy and is qualified."

44 Section 20. G.S. 163-9 reads as rewritten:

1 **"§ 163-9. Filling vacancies in State and district judicial offices.**

2 (a) Vacancies occurring in the offices of Justice of the Supreme Court, judge of
3 the Court of Appeals, and judge of the superior court for causes other than expiration
4 of term shall be filled by appointment of the Governor. An appointee to the office of
5 Justice of the Supreme Court or judge of the Court of Appeals shall hold office until
6 January 1 next following the next statewide election for members of the ~~General~~
7 ~~Assembly~~ United States House of Representatives that is held more than 60 days after
8 the vacancy occurs, at which time an election shall be held for an eight-year term and
9 until a successor is elected and qualified.

10 (b) Except for judges specified in the next paragraph of this subsection, an
11 appointee to the office of judge of superior court shall hold his place until the next
12 statewide election for members of the ~~General Assembly~~ United States House of
13 Representatives that is held more than 60 days after the vacancy occurs, at which
14 time an election shall be held to fill the unexpired term of the office.

15 Appointees for judges of the superior court from any district:

16 (1) With only one resident judge; or

17 (2) In which no county is subject to section 5 of the Voting Rights Act
18 of 1965,

19 shall hold the office until the next statewide election of members of the ~~General~~
20 ~~Assembly~~ United States House of Representatives, that is held more than 60 days
21 after the vacancy occurs, at which time an election shall be held to fill an eight-year
22 term.

23 (c) When the unexpired term of the office in which the vacancy has occurred
24 expires on the first day of January succeeding the next statewide election for
25 members of the ~~General Assembly~~, United States House of Representatives, the
26 Governor shall appoint to fill that vacancy for the unexpired term of the office.

27 (d) Vacancies in the office of district judge which occur before the expiration of a
28 term shall not be filled by election. Vacancies in the office of district judge shall be
29 filled in accordance with G.S. 7A-142."

30 Section 21. G.S. 163-10 reads as rewritten:

31 **"§ 163-10. Filling vacancy in office of district attorney.**

32 Any vacancy occurring in the office of district attorney for causes other than
33 expiration of term shall be filled by appointment of the Governor. An appointee shall
34 hold his place until the next statewide election for members of the ~~General Assembly~~
35 United States House of Representatives that is held more than 60 days after the
36 vacancy occurs, at which time an election shall be held to fill the unexpired term of
37 the office: Provided, that when the unexpired term of the office in which the vacancy
38 has occurred expires on the first day of January succeeding the next statewide
39 election for members of the ~~General Assembly~~ United States House of
40 Representatives the Governor shall appoint to fill that vacancy for the unexpired
41 term of the office."

42 Section 22. G.S. 163-12 reads as rewritten:

43 **"§ 163-12. Filling vacancy in United States Senate.**

1 Whenever there shall be a vacancy in the office of United States Senator from this
2 State, whether caused by death, resignation, or otherwise than by expiration of term,
3 the Governor shall appoint to fill the vacancy until an election shall be held to fill
4 the office. The Governor shall issue his writ for the election of a Senator to be held
5 at the time of the first statewide election for members of the ~~General Assembly~~
6 United States House of Representatives that is held more than 60 days after the
7 vacancy occurs. The person elected shall hold the office for the remainder of the
8 unexpired term. The election shall take effect from the date of the canvassing of the
9 returns."

10 Section 23. Each statute and each local act which states that a vacancy in
11 an elected office shall be filled until the next election for members of the General
12 Assembly, or similarly relies on the date of General Assembly elections as
13 determining when an event is to take place or the duration of an appointment, shall
14 be considered instead to use the date of the next statewide election of members of the
15 United States House of Representatives as the determining date for whatever purpose
16 the date of the General Assembly election is now used.

17 Section 24. Sections 11 through 23 of this act shall take effect only upon
18 approval of the voters of the constitutional amendments set forth in Sections 1
19 through 8 of this act. If the constitutional amendments proposed in those sections are
20 approved by the voters, Sections 11 through 23 of this act shall become effective at
21 the same time as the constitutional amendments.

**2000 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES**

The following report(s) from standing committee(s) is/are presented:

By Representative(s) **Culpepper** for the Committee on **Rules, Calendar and Operations of the House.**

Committee Substitute for
H.R. 1770 A HOUSE RESOLUTION HONORING SIR THOMAS HAY, LORD DUPPLIN
OF SCOTLAND ON THE 250TH ANNIVERSARY OF DUPLIN COUNTY.

- With a favorable report.
- With a favorable report and recommendation that the bill be re-referred to the Committee on Appropriations Finance .
- With a favorable report, as amended.
- With a favorable report, as amended, and recommendation that the bill be re-referred to the Committee on Appropriations Finance .
- With a favorable report as to committee substitute bill (#), which changes the title, unfavorable as to (original bill) (Committee Substitute Bill #), (and recommendation that the committee substitute bill #) be re-referred to the Committee on .)
- With a favorable report as to House committee substitute bill (#), which changes the title, unfavorable as to Senate committee substitute bill.
- With an unfavorable report.
- With recommendation that the House concur.
- With recommendation that the House do not concur.
- With recommendation that the House do not concur; request conferees.
- With recommendation that the House concur; committee believes bill to be material.
- With an unfavorable report, with a Minority Report attached.
- Without prejudice.
- With an indefinite postponement report.
- With an indefinite postponement report, with a Minority Report attached.
- With recommendation that it be adopted. (HOUSE RESOLUTION ONLY)

5/25/00

**2000 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES**

The following report(s) from standing committee(s) is/are presented:

By Representative(s) **Culpepper** for the Committee on **Rules, Calendar and Operations of the House.**

- Committee Substitute for
H.R. 1781 A HOUSE RESOLUTION HONORING THE LIFE AND MEMORY OF
ANGUS LEACH AND RECOGNIZING JUNE 3, 2000, AS STAR 2000 CELEBRATION
DAY IN THE TOWN OF STAR.
- With a favorable report.
- With a favorable report and recommendation that the bill be re-referred to the Committee on
Appropriations Finance .
- With a favorable report, as amended.
- With a favorable report, as amended, and recommendation that the bill be re-referred to the
Committee on Appropriations Finance .
- With a favorable report as to committee substitute bill (#), which changes the title,
unfavorable as to (original bill) (Committee Substitute Bill #), (and recommendation
that the committee substitute bill #) be re-referred to the Committee on .)
- With a favorable report as to House committee substitute bill (#), which changes
the title, unfavorable as to Senate committee substitute bill.
- With an unfavorable report.
- With recommendation that the House concur.
- With recommendation that the House do not concur.
- With recommendation that the House do not concur; request conferees.
- With recommendation that the House concur; committee believes bill to be material.
- With an unfavorable report, with a Minority Report attached.
- Without prejudice.
- With an indefinite postponement report.
- With an indefinite postponement report, with a Minority Report attached.
- With recommendation that it be adopted. (HOUSE RESOLUTION ONLY)

5/25/00

VISITOR REGISTRATION SHEET

421 Rules Calendar + Ops of the House 5/31/2000
 Name of Committee _____ Date 12:4000

VISITORS: PLEASE SIGN BELOW AND RETURN TO COMMITTEE CLERK

<u>NAME</u>	<u>FIRM OR AGENCY AND ADDRESS</u>
<u>Dick Taylor</u>	<u>NCATL</u>
<u>Bruce Mullis</u>	<u>BS&T - Lumberton Chamber of Commerce</u>
<u>Minchum "Bo" Rupp</u>	<u>H.M. BISS, Inc,</u>
<u>Alison P. Dunline</u>	<u>RCCA</u>
<u>John R. [unclear]</u>	<u>NCFPC</u>
<u>Paul Pully</u>	<u>NCATL</u>
<u>Raficca G. [unclear]</u>	<u>Freedom News</u>
<u>Nancy Dunn</u>	<u>interview for Rep. Hackney</u>
<u>Koslyn Smith</u>	<u>NC Child Care Coalition</u>
<u>Michael Crowell</u>	
<u>Markham</u>	<u>ETS</u>
<u>Andy Romanet</u>	<u>NCLM</u>
<u>David Meredith</u>	<u>N.C. State Grange</u>
<u>Greg Retinas</u>	<u>NY Times Group</u>
<u>Scott Myer</u>	<u>AP</u>
<u>ERIC DYER</u>	<u>Greensboro News & Record</u>
<u>R. ROGERS</u>	<u>DEPT</u>
<u>FRY [unclear]</u>	<u>Bill [unclear]</u>
<u>Hal Miller</u>	<u>DIACEI</u>
<u>Faye Cator</u>	<u>Robeson County Eagle Dist Co</u>
<u>Rid Caldwell</u>	<u>Southeastern Regional Medical Center</u>
<u>Karen Livermore</u>	<u>Rob. Co. Partnership for Children (Smart Street)</u>
<u>Chris Fitzsimon</u>	<u>Common Sense Foundation</u>
<u>William L. Locklear</u>	<u>Robeson Community College</u>
<u>Shannon Vickery</u>	<u>UNC-TV</u>
<u>Debra Brown</u>	<u>Robeson County</u>
<u>Lynn Banner</u>	<u>NFO</u>
<u>Emelyn Price</u>	<u>The Fashion Bar - Rob. County of Va, NC.</u>

MINUTES OF THE COMMITTEE ON RULES, CALENDAR AND OPERATIONS OF
THE HOUSE

June 7, 2000

The Committee on Rules, Calendar and Operations of the House met on June 7, 2000 at 2:00 p.m. in Room 421 of the Legislative Office Building. The following members were present: Representatives Culpepper, Chairman; Hackney, Vice Chairman; Alexander, Allen, Crawford, Fitch, Gibson, Gulley, Hill, Jarrell, Luebke, McCombs, Michaux, Tolson, Yongue and Baddour, Majority Leader.

The following resolutions and bill were considered:

COMMITTEE SUBSTITUTE FOR SENATE JOINT RESOLUTION 1495-A JOINT RESOLUTION PROVIDING THAT THE 1999 GENERAL ASSEMBLY SHALL MEET FOR A DAY AT THE STATE CAPITOL IN HONOR OF THE STATE CAPITOL'S 160TH ANNIVERSARY. The chairman commented that the General Assembly would be meeting at the State Capitol the following day to honor the State Capitol's 160th anniversary. Representative Michaux moved for a favorable report, and the motion carried.


HOUSE JOINT RESOLUTION 1860-A JOINT RESOLUTION COMMEMORATING THE 160TH BIRTHDAY OF THE NORTH CAROLINA STATE CAPITOL AND HONORING THE MEMORY OF DECEASED FORMER MEMBERS OF THE GENERAL ASSEMBLY WHO SERVED THERE. Representative Michaux moved for a favorable report, and the motion carried.

COMMITTEE SUBSTITUTE FOR SENATE BILL 767-AN ACT TO PROVIDE A ONE-YEAR WAITING PERIOD BEFORE FORMER LEGISLATORS MAY BECOME LOBBYISTS. Senator Miller, bill sponsor, was recognized and explained the bill. Senator Miller stated that the bill is similar to federal legislation that applies to Congress and legislation in many states. Following questions by members of the committee, Senator Miller stated that the bill applies only to legislators and not to others such as legislative liaisons of state agencies, staff of the General Assembly, or members of the Council of State. Representative Allen offered an amendment which he later rescinded. Following further discussion, Representative Hackney moved for a favorable report, and the motion carried.

COMMITTEE SUBSTITUTE FOR SENATE BILL 9 – AN ACT TO LIMIT THE LENGTH OF LEGISLATIVE SESSIONS AND TO PROVIDE FOUR-YEAR TERMS FOR MEMBERS OF THE SENATE. Senator Hoyle, bill sponsor, was recognized to explain the bill. Senator Hoyle stated that the bill addresses the issue that it is becoming more difficult for people to serve in the Legislature because of the time required to be away from jobs and professions. It provides that the General Assembly will remain in session for 135 calendar days in odd-numbered years which may be


extended one time by joint resolution for not more than 10 days, and for 60 calendar days during even-numbered years, which may be extended one time by joint resolution for not more than ten days. One of the important provisions of the bill, in his opinion, is that the General Assembly would meet for two days the first Monday in December after the November election and recess for at least 30 days before coming back into session. He stated that the purpose of this is that it would allow both chambers to elect their leadership who would appoint committees and make room and seat assignments, and bills could be prefiled so that there would be no wasted time in getting to work in January. He stated that the issue in the bill of four-year terms for members of the Senate was not of primary importance to him. The chairman thanked Senator Hoyle for an excellent presentation and stated that the committee would not be casting a vote on the bill at this meeting.

There being no further business, the meeting adjourned at 2:45 p.m.



Representative Bill Culpepper, Chairman

Respectfully submitted,



Dorothy C. Crocker, Committee Assistant

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1999

S

2

SENATE JOINT RESOLUTION 1495

Rules and Operations of the Senate Committee Substitute Joint Resolution Adopted
6/6/00

Sponsors:

Referred to:

May 30, 2000

1 A JOINT RESOLUTION PROVIDING THAT THE 1999 GENERAL ASSEMBLY
2 SHALL MEET FOR A DAY AT THE STATE CAPITOL IN HONOR OF THE
3 STATE CAPITOL'S 160TH ANNIVERSARY.

4 Whereas, June 8, 2000, marks the 160th anniversary of the State Capitol;
5 and

6 Whereas, the General Assembly will hold session at the State Capitol on
7 that date to mark the occasion; Now, therefore,

8 Be it resolved by the Senate, the House of Representatives concurring:

9 Section 1. On Thursday, June 8, 2000, at 10:00 a.m., the Senate and the
10 House of Representatives shall meet at the State Capitol in their respective chambers,
11 then shall meet in joint session in the House of Representatives in the State Capitol,
12 in honor of the 160th anniversary of the State Capitol.

13 Section 2. The Governor is invited to attend the joint session.

14 Section 3. This resolution is effective upon ratification.

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1999

H

1

HOUSE JOINT RESOLUTION 1860

Sponsors: Representative Culpepper.

Referred to: Rules, Calendar, and Operations of the House.

June 6, 2000

1 A JOINT RESOLUTION COMMEMORATING THE 160TH BIRTHDAY OF THE
2 NORTH CAROLINA STATE CAPITOL AND HONORING THE MEMORY OF
3 DECEASED FORMER MEMBERS OF THE GENERAL ASSEMBLY WHO
4 SERVED THERE.

5 Whereas, the North Carolina State Capitol, completed in 1840, is one of
6 the finest and best preserved examples of a major civic building in the Greek Revival
7 style of architecture; and

8 Whereas, the Capitol is the second such building on its site. A simple,
9 two-story brick State House was built on Union Square between 1792 and 1796; and

10 Whereas, the State House was enlarged between 1820 and 1824 by State
11 architect William Nichols, and burned in 1831; and

12 Whereas, the General Assembly of 1832-1833 ordered that a new Capitol
13 be built as an enlarged version of the old State House, a cross-shaped building with a
14 central, domed rotunda; and

15 Whereas, the Commissioners for Rebuilding the Capitol first employed
16 William Nichols, Jr. to help them prepare plans for the building, and in August of
17 1833 Nichols was replaced by the distinguished New York architectural firm of Ithiel
18 Town and Alexander Jackson Davis who modified and greatly improved the earlier
19 design, giving the Capitol essentially its present appearance and plan; and

20 Whereas, David Paton (1801-1882), an Edinburgh-born architect who had
21 worked for noted English architect John Sloan, was hired in September 1834 to
22 superintend construction of the Capitol, and the Capitol was built under Paton's
23 supervision; and

24 Whereas, most of the architectural details, columns, mouldings,
25 ornamental plasterwork, and the honeysuckle crown atop the dome were carefully
26 patterned after features of particular ancient Greek temples. The exterior columns are

1 Doric in style and modeled after those of the Parthenon. The House of
2 Representatives chamber follows the semicircular plan of a Greek theater and its
3 architectural ornament is in the Corinthian style of the Tower of Winds. The Senate
4 chamber is decorated in the Ionic style of the Erectheum. The only nonclassical parts
5 of the building are two rooms on the third floor which were finished in the Gothic
6 style; and

7 Whereas, the Capitol is 160 feet from north to south, 140 feet from east to
8 west (including the porticoes), and stands $97\frac{1}{2}$ feet from the base of the rotunda to the
9 crown atop the dome, with exterior walls built of gneiss (a form of granite), quarried
10 in southeastern Raleigh and hauled to the site on the horse-drawn Experimental
11 Railroad, the first railway in North Carolina; and

12 Whereas, the Capitol was completed in 1840 at a total cost of
13 \$532,682.34, or more than three times the yearly general income of the State at that
14 time; and

15 Whereas, the Capitol housed all of North Carolina's State government
16 until the 1880s, when the Supreme Court and State Library moved to a new building;
17 and

18 Whereas, the General Assembly moved to the State Legislative Building
19 in 1963, and the General Assembly wishes to commemorate the memory of deceased
20 former members who served there; and

21 Whereas, the office of the Governor is still in the State Capitol; Now,
22 therefore,

23 Be it resolved by the House of Representatives, the Senate concurring:

24 Section 1. The General Assembly commemorates the 160th birthday of
25 the North Carolina State Capitol and honors the memory of all deceased former
26 members of the General Assembly who served there.

27 Section 2. This resolution is effective upon ratification.

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1999

S

3

SENATE BILL 9
Judiciary II Committee Substitute Adopted 2/23/99
Third Edition Engrossed 2/24/99

Short Title: Session Length Limits.

(Public)

Sponsors:

Referred to:

January 28, 1999

1

A BILL TO BE ENTITLED

2

AN ACT TO LIMIT THE LENGTH OF LEGISLATIVE SESSIONS AND TO
PROVIDE FOUR-YEAR TERMS FOR MEMBERS OF THE SENATE.

3

4 The General Assembly of North Carolina enacts:

5

Section 1. Section 11(1) of Article II of the Constitution of North
Carolina reads as rewritten:

6

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"(1) **Regular sessions.** The General Assembly shall meet in regular session in 1973
and every two years thereafter on the day prescribed by law. Beginning with the
regular session in 2001, during an odd-numbered year the General Assembly shall
remain in session for no more than 135 calendar days, except that this period may be
extended by joint resolution once per regular session for not more than 10 days. The
month of December following the beginning of the term is also included in the
calculation. If the General Assembly upon convening of the regular session meets for
not more than two consecutive calendar days and then adjourns for not less than 30
days, that period of adjournment shall be excluded from the 135 days. If the regular
session meets in even-numbered years, the General Assembly shall remain in session
for no more than 60 calendar days, except that this period may be extended by joint
resolution once per regular session for not more than 10 days, but the month in
December following the election is excluded from the calculation. Any reconvened
session called under Section 5 of Article III of this Constitution shall be excluded
from the calculations of this section. Neither house shall proceed upon public
business unless a majority of all of its members are actually present. No valid action,

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1 other than a resolution of adjournment, may be taken by the General Assembly after
2 the time limits prescribed in this section have expired."

3 Section 2. Section 9 of Article II of the Constitution of North Carolina
4 reads as rewritten:

5 "Sec. 9. Term of office.

6 The term of office of Senators and Representatives shall commence on the first day
7 ~~of January~~ Wednesday in December next after their election."

8 Section 3. Section 2 of Article II of the Constitution of North Carolina
9 reads as rewritten:

10 "Sec. 2. Number of Senators.

11 The Senate shall be composed of 50 Senators, ~~biennially~~ quadrennially chosen by
12 ballot."

13 Section 4. Section 8 of Article II of the Constitution of North Carolina
14 reads as rewritten:

15 "Sec. 8. Elections.

16 The election for members of the ~~General Assembly~~ House of Representatives shall
17 be held for the respective districts in 1972 and every two years thereafter, at the
18 places and on the day prescribed by law. The election for members of the Senate
19 shall be held for the respective districts in 2002 and every four years thereafter, at the
20 places and on the day prescribed by law."

21 Section 5. Section 14(1) of Article II of the Constitution of North
22 Carolina reads as rewritten:

23 "(1) **President Pro Tempore - ~~succession to acting~~ acting presidency.** The Senate shall
24 elect from its membership a President Pro Tempore, who shall become Acting
25 President of the Senate upon the failure of the Lieutenant Governor-elect to qualify,
26 or upon succession by the Lieutenant Governor to the office of Governor, or upon
27 the death, resignation, or removal from office of the President of the Senate, and who
28 shall serve as Acting President of the Senate ~~until the expiration of his term of office~~
29 ~~as Senator.~~ until:

30 (a) That person ceases to be President Pro Tempore; or

31 (b) The qualification of a new Lieutenant Governor

32 whichever comes first."

33 Section 6(a). The amendments set out in Sections 1 and 2 of this act
34 shall be submitted to the qualified voters of the State at the general election in
35 November 2000, which election shall be conducted under the laws then governing
36 elections in the State. Ballots, voting systems, or both may be used in accordance
37 with Chapter 163 of the General Statutes. The question to be used in the voting
38 systems and ballots shall be:

39 "[] FOR [] AGAINST

40 Constitutional amendments limiting the length of the legislative session."

41 Section 6(b). The amendments set out in Sections 3 through 5 of this act
42 shall be submitted to the qualified voters of the State at the general election in
43 November 2000, which election shall be conducted under the laws then governing
44 elections in the State. Ballots, voting systems, or both may be used in accordance

1 with Chapter 163 of the General Statutes. The question to be used in the voting
2 systems and ballots shall be:

3 " FOR AGAINST

4 Constitutional amendments making the term of members of the Senate
5 four years, beginning with members elected in 2002."

6 Section 7(a). If a majority of votes cast on the question are in favor of
7 the amendments set out in Sections 1 and 2 of this act, the State Board of Elections
8 shall certify the amendments to the Secretary of State. Section 2 applies beginning
9 with members of the General Assembly elected in the 2000 general election.

10 Section 7(b). If a majority of votes cast on the question are in favor of the
11 amendments set out in Sections 3 through 5 of this act, the State Board of Elections
12 shall certify the amendments to the Secretary of State. The constitutional
13 amendments shall apply to members of the Senate elected in the 2002 general
14 election so that they shall serve four-year terms.

15 Section 7(c). The Secretary of State shall enroll the amendments so
16 certified among the permanent records of that office.

17 Section 8. This act is effective when it becomes law.

**2000 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES**

The following report(s) from standing committee(s) is/are presented:

By Representative(s) **Culpepper** for the Committee on **Rules, Calendar and Operations of the House.**

- Committee Substitute for
S.J.R. 1495 A JOINT RESOLUTION PROVIDING THAT THE 1999 GENERAL
ASSEMBLY SHALL MEET FOR A DAY AT THE STATE CAPITOL IN HONOR OF
THE STATE CAPITOL'S 160TH ANNIVERSARY.
- With a favorable report.
- With a favorable report and recommendation that the bill be re-referred to the Committee on
Appropriations Finance .
- With a favorable report, as amended.
- With a favorable report, as amended, and recommendation that the bill be re-referred to the
Committee on Appropriations Finance .
- With a favorable report as to committee substitute bill (#), which changes the title,
unfavorable as to (original bill) (Committee Substitute Bill #), (and recommendation
that the committee substitute bill #) be re-referred to the Committee on .)
- With a favorable report as to House committee substitute bill (#), which changes
the title, unfavorable as to Senate committee substitute bill.
- With an unfavorable report.
- With recommendation that the House concur.
- With recommendation that the House do not concur.
- With recommendation that the House do not concur; request conferees.
- With recommendation that the House concur; committee believes bill to be material.
- With an unfavorable report, with a Minority Report attached.
- Without prejudice.
- With an indefinite postponement report.
- With an indefinite postponement report, with a Minority Report attached.
- With recommendation that it be adopted. (HOUSE RESOLUTION ONLY)

5/25/00

FOR JOURNAL USE ONLY

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

____ The (committee substitute) bill/resolution (, as amended,) is (ordered engrossed and) re-referred to the Committee on _____.

____ The bill/resolution is re-referred to the Committee on _____.

____ On motion of (Rep. _____,) (the Chair,) the (committee substitute) bill/resolution is (ordered engrossed and) re-referred to the Committee on _____.

____ Pursuant to Rule 36(b), the (House)committee substitute bill (No. ____)/resolution is placed on the Calendar of _____. (The original bill) (House Committee Substitute Bill No. ____)/resolution is placed on the Unfavorable Calendar.

____ On motion of Rep. _____, (the rules are suspended) (Rule ____ is suspended) and the bill/resolution is placed on today's calendar. (for immediate consideration.)

____ On motion of Rep. _____, Committee Amendment No.(s) _____ is/are adopted (by EV _____).

____ On motion of Rep. _____, Committee Amendment No.(s) _____ is/are adopted (by EV _____).

____ Rep. _____ offers Amendment No. ____ which (is adopted.) (fails of adoption.) (by EV _____.) () This amendment changes the title.

____ The bill/resolution (, as amended,) passes its second reading (by following vote, ____ RC) (, by EV _____,) and (remains on the Calendar,) (and there being no objection is read a third time).

____ The bill/resolution (, as amended,) passes its third reading (by the following vote, ____ RC) (, by EV _____,) and is ordered
____ sent to the Senate.
____ without engrossment. ____ by Special message.
____ sent to the Senate for concurrence in
____ House amendment (s).
____ House committee substitute.
____ enrolled.

____ On motion of Rep. _____, the House concurs in the (material) Senate _____ (by the following vote, ____ RC) (, by EV _____,) and the bill is ordered enrolled.

**2000 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES**

The following report(s) from standing committee(s) is/are presented:

By Representative(s) **Culpepper** for the Committee on **Rules, Calendar and Operations of the House.**

Committee Substitute for
H.J.R. 1860 A JOINT RESOLUTION COMMEMORATING THE 160TH BIRTHDAY OF
THE NORTH CAROLINA STATE CAPITOL AND HONORING THE MEMORY OF
DECEASED FORMER MEMBERS OF THE GENERAL ASSEMBLY WHO SERVED
THERE.

- With a favorable report.
- With a favorable report and recommendation that the bill be re-referred to the Committee on
Appropriations Finance .
- With a favorable report, as amended.
- With a favorable report, as amended, and recommendation that the bill be re-referred to the
Committee on Appropriations Finance .
- With a favorable report as to committee substitute bill (#), which changes the title,
unfavorable as to (original bill) (Committee Substitute Bill #), (and recommendation
that the committee substitute bill #) be re-referred to the Committee on .)
- With a favorable report as to House committee substitute bill (#), which changes
the title, unfavorable as to Senate committee substitute bill.
- With an unfavorable report.
- With recommendation that the House concur.
- With recommendation that the House do not concur.
- With recommendation that the House do not concur; request conferees.
- With recommendation that the House concur; committee believes bill to be material.
- With an unfavorable report, with a Minority Report attached.
- Without prejudice.
- With an indefinite postponement report.
- With an indefinite postponement report, with a Minority Report attached.
- With recommendation that it be adopted. (HOUSE RESOLUTION ONLY)

5/25/00

**2000 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES**

The following report(s) from standing committee(s) is/are presented:

By Representative(s) **Culpepper** for the Committee on **Rules, Calendar and Operations of the House.**

Committee Substitute for

S.B. 767 A BILL TO BE ENTITLED AN ACT TO PROVIDE A ONE-YEAR WAITING PERIOD BEFORE FORMER LEGISLATORS MAY BECOME LOBBYISTS.

With a favorable report.

With a favorable report and recommendation that the bill be re-referred to the Committee on Appropriations Finance .

With a favorable report, as amended.

With a favorable report, as amended, and recommendation that the bill be re-referred to the Committee on Appropriations Finance .

With a favorable report as to committee substitute bill (#), which changes the title, unfavorable as to (original bill) (Committee Substitute Bill #), (and recommendation that the committee substitute bill #) be re-referred to the Committee on .)

With a favorable report as to House committee substitute bill (#), which changes the title, unfavorable as to Senate committee substitute bill.

With an unfavorable report.

With recommendation that the House concur.

With recommendation that the House do not concur.

With recommendation that the House do not concur; request conferees.

With recommendation that the House concur; committee believes bill to be material.

With an unfavorable report, with a Minority Report attached.

Without prejudice.

With an indefinite postponement report.

With an indefinite postponement report, with a Minority Report attached.

With recommendation that it be adopted. (HOUSE RESOLUTION ONLY)

5/25/00

M

VISITOR REGISTRATION SHEET

Rules
Name of Committee

6-78-2000
Date

VISITORS: PLEASE SIGN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
Eric Dyer	Greensboro News & Record
Barry Smith	Freedom Newspapers
FRED TAYLOR	WRAL-TV
Julie Campbell	NCCBT
Debbie Bawagan	NCCBT
Eatherine J. Jervis	Electric City gas
Travis Hill	McKen Co
Phil Conrad	Lt. Governor's Office
John Hunt	Lt. Governor's Office
R. Robb	NCFPC
Lucinda Pullen	JENK
John Adams	Attorney
Susan Harrison	Public School
Susan Markham	WCFB
Lisa Perry	EGHS
Bill Scoggin	Capitol Group
Don Treema	Kennedy CoBington
FRAN PRESTON	CFRA
Roslyn Sawitt	NCRMA
June Winnie	NCCA
Sara Grandlye	NCCADU
Tim McQuell	NCCADV
Jim Blain	UCICU
Sara E. Allen	Poynor Springs
Amanda Adams	Covenant w/ NC's Alder
Paula A. Hall	"
Eddie Caldwell	"
	Education: Everybody's Business Coalition

MINUTES OF THE COMMITTEE ON RULES, CALENDAR AND OPERATIONS OF
THE HOUSE

June 21, 2000

The Committee on Rules, Calendar and Operations of the House met on June 21, 2000 at 12:00 p.m. in Room 421 of the Legislative Office Building. The following members were present: Representatives Culpepper, Chairman; Hackney, Vice Chairman; Alexander, Allen, Boyd-McIntyre, Crawford, Gibson, Gulley, Hill, Jarrell, Luebke, McCombs, McMahan, Tolson, Wood and Yongue.

The following bills were considered:

SENATE JOINT RESOLUTION 819 – A JOINT RESOLUTION HONORING THE LIFE AND MEMORY OF WILMER DAVID “VINEGAR BEND” MIZELL, FORMER NORTH CAROLINA CONGRESSMAN. Senator Cochran was recognized and explained the resolution. She stated that she not only knew him as a congressman under three consecutive presidents who always looked after his community and ministered to his fellow man, but she also knew him personally after his term in office. She further stated that it seemed appropriate that the General Assembly commemorate him following his death in 1999. Representative Luebke stated that he had seen “Vinegar Bend” pitch for the St. Louis Cardinals in 1957 and made a motion that the joint resolution be given a favorable report. The motion carried.

HOUSE JOINT RESOLUTION 1485 – A JOINT RESOLUTION HONORING THE LIFE AND MEMORY OF THOMAS H. DAVIS. Representative Gray was recognized and stated that the resolution honored the life and memory of Tom Davis who established Piedmont Aviation in 1940, later Piedmont Airlines and is now U. S. Air. He further stated that Mr. Davis was also a personal friend to many. Representative Crawford moved that the joint resolution be given a favorable report. The motion carried.

SENATE COMMITTEE SUBSTITUTE FOR HOUSE BILL 973 - AN ACT TO MAKE CHANGES TO THE GENERAL STATUTES ALLOWING A SUPERIOR COURT JUDGE TO PERFORM MARRIAGE CEREMONIES. The chairman stated that the bill was before the committee for procedural purposes. He stated that the Senate had made substantial changes to the House bill and that he recommended the committee not concur with the Senate committee substitute. Representative Luebke so moved, and the motion carried.

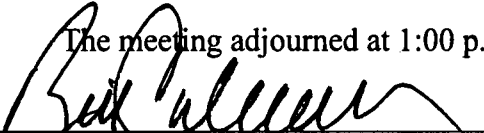
COMMITTEE SUBSTITUTE FOR HOUSE BILL 1519 – AN ACT TO ESTABLISH THE JOINT LEGISLATIVE OVERSIGHT COMMITTEE ON MENTAL HEALTH, DEVELOPMENTAL DISABILITIES, AND SUBSTANCE ABUSE SERVICES, AND TO DIRECT THE OVERSIGHT COMMITTEE TO DEVELOP A PLAN TO REFORM THE STATE SYSTEM FOR MENTAL HEALTH, DEVELOPMENTAL DISABILITIES, AND SUBSTANCE ABUSE SERVICES.


Representative Insko was recognized to explain the bill. She stated that the bill sets up an oversight committee for mental health developmental disabilities and substance abuse and assigns the committee to oversee the reform system recommended by the Auditor. Following her explanation, Representative Hackney moved that the bill be given a favorable report, and the motion passed.

SENATE BILL 109 – AN ACT TO REQUIRE MORE SPECIFIC DISCLOSURE OF LOBBYING. Senator Miller, the bill sponsor, was recognized to explain the bill. He stated that the bill requires additional disclosure by lobbyists and their clients and is virtually identical to the requirements of the federal government and several other the state governments. It requires that lobbyists and their clients disclose if the client maintains a PAC, to whom the PAC gives money, the issues they are concerned with and what bills they have an interest in. He stated the most controversial part of the bill is the requirement that the lobbyist's report state what the lobbyist or the client expects their issues to be and at the end of the session what issues they actually lobbied on. This only applies if the lobbyist actually tries to influence a bill and does not mean simply reading or monitoring the bill. Following Senator Miller's explanation, Representative Hackney made a motion that the bill be given a favorable report. More discussion followed after which Representative Allen sent forth an amendment removing the words and figures in the bill of "twenty-five dollars (\$25.00)" and replacing them with the words and figures of "fifty dollars (\$50.00)" and moved for its adoption. Representative Hackney spoke against the amendment and Representative McMahan supported the amendment. By a vote of eight to five, the amendment was adopted. Representative Hackney moved that the amendment be incorporated into a committee substitute and that the committee substitute be given a favorable report, unfavorable as to the original bill. The motion passed.

COMMITTEE SUBSTITUTE FOR SENATE BILL 595 – AN ACT TO MODIFY THE LAW CREATING THE NORTHEASTERN REGIONAL ECONOMIC DEVELOPMENT COMMISSION. The chairman explained that with the permission of Senator Bob Martin, sponsor of the bill, a proposed House committee substitute changing the title to **AN ACT TO AMEND THE LAWS REGULATING REAL ESTATE APPRAISERS** was being offered on behalf of Representative Fox. Representative McMahan moved that the proposed committee substitute be adopted for purposes of discussion, and it was so ordered. The chairman further stated that the committee would not consider the proposed committee substitute substantively and requested that it be reported without prejudice and with the recommendation that it be re-referred to the House Judiciary 1 Committee. Representative Allen so moved, and the motion carried.

The meeting adjourned at 1:00 p.m.


Representative Bill Culpepper, Chairman


Dorothy C. Crocker, Committee Assistant

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1999

S

1

SENATE JOINT RESOLUTION 819

Sponsors: Senators Cochrane; Allran, Ballantine, Carpenter, Carrington, East, Forrester, Foxx, Garwood, Gulley, Hartsell, Horton, Kerr, Martin of Pitt, Moore, Phillips, Purcell, Rucho, Webster, and Wellons.

Referred to: Rules and Operations of the Senate.

April 12, 1999

1 A JOINT RESOLUTION HONORING THE LIFE AND MEMORY OF WILMER
2 DAVID "VINEGAR BEND" MIZELL, FORMER NORTH CAROLINA
3 CONGRESSMAN.

4 Whereas, Wilmer David Mizell was born in Vinegar Bend, Alabama, on
5 August 13, 1930, to Walter David Mizell and Addie Turner Mizell; and

6 Whereas, Wilmer David Mizell was affectionately known as "Vinegar
7 Bend"; and

8 Whereas, Wilmer David Mizell graduated from Leakesville High School
9 in Leakesville, Mississippi, in 1949; and

10 Whereas, Wilmer David Mizell married the late Nancy McAlphine on
11 November 16, 1952; and

12 Whereas, Wilmer David Mizell proudly served his country as a member
13 of the United States Army from 1953 to 1955; and

14 Whereas, during Wilmer David Mizell's early adult years, he pitched for
15 the St. Louis Cardinals, the Pittsburgh Pirates, and the New York Mets; and

16 Whereas, Wilmer David Mizell retired from baseball in 1963 and
17 accepted a position with the Pepsi-Cola Company in Winston-Salem working in the
18 field of sales management and public relations; and

19 Whereas, Wilmer David Mizell served as a County Commissioner for
20 Davidson County from 1966 to 1968; and

21 Whereas, Wilmer David Mizell served with honor and distinction as a
22 member of the United States House of Representatives, representing North Carolina's
23 Fifth Congressional District from 1968 to 1974; and

1 Whereas, Wilmer David Mizell served as Assistant Secretary of Economic
2 Development under President Gerald Ford, as Assistant Secretary of Agriculture
3 under President Ronald Reagan, and as a member of the Council on Physical Fitness
4 under President George Bush; and

5 Whereas, Wilmer David Mizell was a staunch Republican who never
6 wavered from his beliefs, which earned him admiration and respect from his peers,
7 colleagues, and the citizens he represented; and

8 Whereas, Wilmer David Mizell was named the Southern Baptist Christian
9 Athlete of the Year in 1951 and was presented the Distinguished Citizen Award of
10 1969 by George Washington University; and

11 Whereas, Wilmer David Mizell was active in civic and community
12 organizations, including the American Legion, and served as Chair of the Board of
13 Trustees of Toccoa Falls College in Toccoa Falls, Georgia; and

14 Whereas, Wilmer David Mizell was a faithful member of Faith Missionary
15 Alliance Church in Winston-Salem, serving as a lay speaker, deacon, Sunday school
16 superintendent, and church board member; and

17 Whereas, Wilmer David Mizell died on February 21, 1999; and

18 Whereas, Wilmer David Mizell was a devoted husband and loving father
19 and grandfather; and

20 Whereas, Wilmer David Mizell is survived by his wife, Ruth Cox Mizell,
21 two sons, David Mizell and Danny Mizell, two stepchildren, Larry Laws and Linda
22 Pate, four grandchildren and three stepgrandchildren; Now, therefore,
23 Be it resolved by the Senate, the House of Representatives concurring:

24 Section 1. The General Assembly expresses high regard for the life and
25 service of Wilmer David "Vinegar Bend" Mizell and mourns the loss of one of North
26 Carolina's beloved and respected citizens.

27 Section 2. The General Assembly extends its sincere sympathy to the
28 family of Wilmer David Mizell for the loss of its family member.

29 Section 3. The Secretary of State shall transmit a certified copy of this
30 resolution to the family of Wilmer David Mizell.

31 Section 4. This resolution is effective upon ratification.

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1999

H

1

HOUSE JOINT RESOLUTION 1485

Sponsors: Representatives Gray, Sexton, Womble, Oldham, Decker, and Esposito.

Referred to: Rules, Calendar and Operations of the House.

June 7, 1999

1 A JOINT RESOLUTION HONORING THE LIFE AND MEMORY OF THOMAS
2 H. DAVIS.

3 Whereas, Thomas H. Davis was born on March 15, 1918, in Winston-
4 Salem, North Carolina, to Egbert L. Davis and Annie Shore Davis; and

5 Whereas, Thomas H. Davis graduated from the University of Arizona;
6 and

7 Whereas, Thomas H. Davis developed a love of flying at an early age and
8 at the age of 16 made his first solo flight in a Taylor E-2 airplane; and

9 Whereas, at the age of 22, Thomas H. Davis became the sales manager for
10 Camel City Flying Service, a distributor of Piper and Stinson aircraft based in
11 Winston-Salem, North Carolina; and

12 Whereas, in 1940, Thomas H. Davis founded Piedmont Aviation and
13 became vice-president, treasurer, principal stockholder, and a director of the
14 company; and

15 Whereas, within a short period of time, Thomas H. Davis established 17
16 dealerships throughout North Carolina; and

17 Whereas, Thomas H. Davis helped Piedmont Aviation, Inc., become the
18 first fully certified Civil Aeronautics Association (CAA) approved aircraft and engine
19 overhaul shop between Washington, D.C. and Atlanta, Georgia; and

20 Whereas, in 1947, Piedmont Aviation branched out with Piedmont
21 Airlines and made its first commercial flight in 1948; and

22 Whereas, under the leadership of Thomas H. Davis, Piedmont Airlines
23 grew into one of the leading carriers in the airline industry; and

1 Whereas, in 1981, Thomas H. Davis was elected as Chairman of the
2 Board and Chief Executive Officer of Piedmont Airlines and served in that capacity
3 until his retirement in 1983; and

4 Whereas, after his retirement, Thomas H. Davis did not give up his
5 passion for flying but continued to fly various aircraft until 1998; and

6 Whereas, Thomas H. Davis was a philanthropist and supporter of many
7 organizations, including the Baptist Hospital, Wake Forest University School of
8 Medicine, Wake Forest University Divinity School, and the American Lung
9 Association of North Carolina, and served as a board member and trustee of Wake
10 Forest University, President of the Winston-Salem Rotary Club, and President of the
11 Greater Winston-Salem Chamber of Commerce; and

12 Whereas, Thomas H. Davis was an active member of the Wake Forest
13 Baptist Church; and

14 Whereas, Thomas H. Davis died on April 22, 1999; and

15 Whereas, Thomas H. Davis' wife of 41 years, Nancy Teague Davis, died
16 in 1985; and

17 Whereas, Thomas H. Davis is survived by his children, Thomas H. Davis,
18 Jr., Winifred Davis Pierce, George Franklin Teague Davis, Nancy Davis McGlothlin,
19 and Juliana Davis West, their spouses, eleven grandchildren, and many other close
20 relatives; and

21 Whereas, the General Assembly wishes to recognize Thomas H. Davis for
22 his accomplishments and extend its sympathy to his family and friends; Now,
23 therefore,

24 Be it resolved by the House of Representatives, the Senate concurring:

25 Section 1. The General Assembly expresses high regard for the life and
26 accomplishments of Thomas H. Davis and mourns the loss of one of the State's most
27 gifted, beloved, and respected citizens.

28 Section 2. The Secretary of State shall transmit a certified copy of this
29 resolution to the family of Thomas H. Davis.

30 Section 3. This resolution is effective upon ratification.

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1999

H

2

HOUSE BILL 1519*
Committee Substitute Favorable 5/31/00

Short Title: Mental Health System Reform.

(Public)

Sponsors:

Referred to:

May 15, 2000

1 A BILL TO BE ENTITLED
2 AN ACT TO ESTABLISH THE JOINT LEGISLATIVE OVERSIGHT
3 COMMITTEE ON MENTAL HEALTH, DEVELOPMENTAL DISABILITIES,
4 AND SUBSTANCE ABUSE SERVICES, AND TO DIRECT THE OVERSIGHT
5 COMMITTEE TO DEVELOP A PLAN TO REFORM THE STATE SYSTEM
6 FOR MENTAL HEALTH, DEVELOPMENTAL DISABILITIES, AND
7 SUBSTANCE ABUSE SERVICES.

8 Whereas, in 1998 and 1999 the General Assembly directed the State
9 Auditor to coordinate and contract for a study of the State Psychiatric Hospitals and
10 Area Mental Health Programs; and

11 Whereas, the "Study of State Psychiatric Hospitals and Area Mental
12 Health Programs" ("Study"), April 1, 2000, was conducted by the Public Consulting
13 Group, Inc., under the coordination of the State Auditor, and with the cooperation
14 and assistance of the Department of Health and Human Services and other
15 organizations and individuals; and

16 Whereas, the findings and recommendations of the Study present a
17 comprehensive blueprint for reform of the State's mental health system; and

18 Whereas, the General Assembly endorses the findings of the Study; and

19 Whereas, effective implementation of mental health reform requires
20 continuous legislative oversight to review and consider the recommendations of the
21 Study and other matters and to recommend the necessary changes to State law and
22 policy; Now, therefore,

23 The General Assembly of North Carolina enacts:

1 Section 1. Findings. -- The General Assembly finds that:

- 2 (1) The State and local government entities are not using effectively
3 and efficiently available resources to administer and provide
4 mental health, developmental disabilities, and substance abuse
5 services uniformly across the State.
- 6 (2) Effective implementation of State policy to assist individuals with
7 mental illness, developmental disabilities, and substance abuse
8 problems requires that a standard system of services, designed to
9 identify, assess, and meet client needs within available resources,
10 be available in all regions of the State.
- 11 (3) The findings of recent comprehensive independent studies, and
12 recent federal court decisions, compel the State to consider
13 significant changes in the operation and utilization of State
14 psychiatric hospital services.
- 15 (4) State and local government funds for mental health, developmental
16 disabilities, and substance abuse services must be committed on a
17 continuing, stabilized basis and will need to be increased over time
18 to ensure that the purposes of mental health system reform are
19 achieved.
- 20 (5) Reform of the State mental health, developmental disabilities, and
21 substance abuse services system is necessary and should begin
22 immediately. Reform efforts should focus on correcting system
23 inefficiencies, inequities in service availability, and deficiencies in
24 funding and accountability, and on improving and enhancing
25 services to North Carolina's citizens.

26 Section 2. Oversight Committee Established. -- Chapter 120 of the
27 General Statutes is amended by adding the following new Article to read:

28 "ARTICLE 27.

29 "The Joint Legislative Oversight Committee
30 on Mental Health, Developmental Disabilities,
31 and Substance Abuse Services.

32 "§ 120-240. Creation and membership of Joint Legislative Oversight Committee on
33 Mental Health, Developmental Disabilities, and Substance Abuse Services.

34 (a) Establishment; Definition. -- There is established the Joint Legislative Oversight
35 Committee on Mental Health, Developmental Disabilities, and Substance Abuse
36 Services.

37 (b) Membership. -- The Committee shall consist of 16 members, as follows:

- 38 (1) Eight members of the Senate appointed by the President Pro
39 Tempore of the Senate, as follows:
- 40 a. At least two members of the Senate Committee on
41 Appropriations.
- 42 b. The chair of the Senate Appropriations Committee on
43 Human Resources.
- 44 c. At least two members of the minority party.

- 1 (2) Eight members of the House of Representatives appointed by the
2 Speaker of the House of Representatives, as follows:
- 3 a. At least two members of the House of Representatives
4 Committee on Appropriations.
- 5 b. The cochairs of the House of Representatives
6 Appropriations Subcommittee on Health and Human
7 Services.
- 8 c. At least two members of the minority party.
- 9 (c) Terms. -- Terms on the Committee are for two years and begin on the
10 convening of the General Assembly in each odd-numbered year, except the terms of
11 the initial members, which begin on appointment and end on the day of the
12 convening of the 2001 General Assembly. Members may complete a term of service
13 on the Committee even if they do not seek reelection or are not reelected to the
14 General Assembly, but resignation or removal from service in the General Assembly
15 constitutes resignation or removal from service on the Committee.
- 16 A member continues to serve until the member's successor is appointed. A
17 vacancy shall be filled within 30 days by the officer who made the original
18 appointment.
- 19 "§ 120-241. Purpose of Committee.
- 20 The Joint Legislative Oversight Committee on Mental Health, Developmental
21 Disabilities, and Substance Abuse Services shall examine, on a continuing basis,
22 systemwide issues affecting the development, financing, administration, and delivery
23 of mental health, developmental disabilities, and substance abuse services, including
24 issues relating to the governance, accountability, and quality of services delivered.
25 The Committee shall make ongoing recommendations to the General Assembly on
26 ways to improve the quality and delivery of services and to maintain a high level of
27 effectiveness and efficiency in system administration at the State and local levels. In
28 conducting its examination, the Committee shall study the budget, programs,
29 administrative organization, and policies of the Department of Health and Human
30 Services to determine ways in which the General Assembly may encourage
31 improvement in mental health, developmental disabilities, and substance abuse
32 services provided to North Carolinians.
- 33 "§ 120-242. Organization of Committee.
- 34 (a) The President Pro Tempore of the Senate and the Speaker of the House of
35 Representatives shall each designate a cochair of the Joint Legislative Oversight
36 Committee on Mental Health, Developmental Disabilities, and Substance Abuse
37 Services. The Committee shall meet at least once a quarter and may meet at other
38 times upon the joint call of the cochairs.
- 39 (b) A quorum of the Committee is eight members. No action may be taken except
40 by a majority vote at a meeting at which a quorum is present. While in the discharge
41 of its official duties, the Committee has the powers of a joint committee under G.S.
42 120-19 and G.S. 120-19.1 through G.S. 120-19.4.
- 43 (c) Members of the Committee receive subsistence and travel expenses as
44 provided in G.S. 120-3.1. The Committee may contract for consultants or hire

1 employees in accordance with G.S. 120-32.02. The Legislative Services Commission,
2 through the Legislative Services Officer, shall assign professional staff to assist the
3 Committee in its work. Upon the direction of the Legislative Services Commission,
4 the Supervisors of Clerks of the Senate and of the House of Representatives shall
5 assign clerical staff to the Committee. The expenses for clerical employees shall be
6 borne by the Committee."

7 Section 3.(a) Plan for Mental Health System Reform. -- Terms Defined.
8 -- As used in this section, unless the context clearly provides otherwise:

- 9 (1) "Committee" means the Joint Legislative Oversight Committee on
10 Mental Health, Developmental Disabilities, and Substance Abuse
11 Services.
12 (2) "Mental Health System Reform" includes the system of services for
13 mental health, developmental disabilities, and substance abuse.
14 (3) "Plan" means the Plan for Mental Health System Reform
15 developed and recommended by the Joint Legislative Oversight
16 Committee on Mental Health, Developmental Disabilities, and
17 Substance Abuse Services.
18 (4) "State Auditor/PCG, Inc., Study" means the "Study of State
19 Psychiatric Hospitals and Area Mental Health Programs, April 1,
20 2000", conducted by the Public Consulting Group, Inc., under
21 coordination by and contract with the State Auditor.

22 Section 3.(b) Development of Plan for Mental Health System Reform. --
23 The Joint Legislative Oversight Committee on Mental Health, Developmental
24 Disabilities, and Substance Abuse Services established under Article 27 of Chapter
25 120 of the General Statutes shall develop a Plan for Mental Health System Reform.
26 It is the intent of the General Assembly that the Plan shall be fully implemented not
27 later than July 1, 2005.

28 Section 3.(c) Purpose and Content of the Plan. -- The Plan shall provide
29 for systematic, phased-in implementation of changes to the State's mental health
30 system. In developing the Plan, the Committee shall do the following:

- 31 (1) Review and consider the findings and recommendations of the
32 State Auditor/PCG, Inc., Study.
33 (2) Report to the 2001 General Assembly upon its convening the
34 changes that should be made to the governance, structure, and
35 financing of the State's mental health system at the State and local
36 levels. The report shall include:
37 a. An explanation of how and the extent to which the
38 proposed changes are in accord with or differ from the
39 recommendations of the State Auditor/PCG, Inc., Study.
40 b. Proposed time frames for implementing mental health
41 system reform on a phased-in basis, and the recommended
42 effective date for full implementation of all recommended
43 changes.

- 1 c. An estimate of the amount of State and federal funds
2 necessary to implement the changes. The estimate should
3 indicate costs of each phase of implementation and the total
4 cost of full implementation.
- 5 d. An estimate of the amount of savings in State funds
6 expected to be realized from the changes. The estimate
7 should show savings expected in each phase of
8 implementation, and the total amount of savings expected to
9 be realized from full implementation.
- 10 e. The potential financial, economic, and social impact of
11 changes to the current governance, structure, and financing
12 of the mental health system on providers, clients,
13 communities, and institutions at the State and local levels.
- 14 f. Proposed legislation making the necessary amendments to
15 the General Statutes to enact the recommended changes to
16 the system of governance, structure, and financing.
- 17 (3) Study the administration, financing, and delivery of developmental
18 disabilities services. The study shall be in greater depth and detail
19 than addressed in the State Auditor/PCG, Inc., Study. The
20 Committee shall make a progress report on its study of
21 developmental disabilities services to the 2001 General Assembly
22 upon its convening.
- 23 (4) Study the feasibility and impact of and best methods for
24 downsizing of the State's four psychiatric hospitals. In conducting
25 this study, the Committee shall:
- 26 a. Take into account the need to enhance and improve
27 community services to meet increased demand resulting
28 from downsizing, and
- 29 b. Consider the findings and recommendations of the MGT of
30 America Report of 1998, as well as the State Auditor/PCG,
31 Inc., Study.
- 32 (5) Consider the impact of mental health system reform on quality of
33 services and patient care and ensure that the Plan provides for
34 ongoing review and improvements to quality of services and
35 patient care.
- 36 (6) Ensure that the Plan provides for the active involvement of
37 consumers and families in mental health system reform and
38 ongoing implementation.
- 39 (7) Address the need to enhance and improve substance abuse
40 services, including services for the prevention of substance abuse.
- 41 (8) Recommend a mental health, developmental disabilities, and
42 substance abuse services benefits package that will provide for
43 basic benefits for these services as well as specific benefits for
44 targeted populations.

1 (9) Take into account the State's responsibility to enable
2 institutionalized persons and persons at risk for institutionalization
3 to receive services outside of the institution in community-based
4 settings in accordance with the United States Supreme Court
5 decision in Olmstead vs. L.C., (1999).

6 (10) Identify and address issues pertaining to the administration and
7 provision of mental health services to children.

8 (11) Address issues, problems, strengths, and weaknesses in the current
9 mental health system that are not addressed in the State
10 Auditor/PCG, Inc., Study but that warrant consideration in the
11 development of a reformed mental health system.

12 Section 3.(d) Subcommittees. -- The Committee shall establish one or
13 more subcommittees to consider and develop specific focus areas of the Plan. Each
14 subcommittee shall be the working group for the focus area assigned by the
15 Committee cochair. The Committee cochair shall appoint the cochair and
16 members of each subcommittee from the Committee membership. The Committee
17 cochair shall invite representatives from the following to participate as nonvoting
18 members of each subcommittee:

19 (1) Providers of mental health, developmental disabilities, substance
20 abuse, long-term care, and other appropriate providers.

21 (2) Consumers of mental health, developmental disabilities, and
22 substance abuse services and family members of consumers of these
23 services.

24 (3) State and local government, including area mental health
25 programs.

26 (4) Business and industry.

27 (5) Organizations that advocate for individuals in need of mental
28 health, developmental disabilities, and substance abuse services.

29 Subcommittees shall meet at the call of the subcommittee cochair.

30 The Committee cochair shall assign the focus area for each
31 subcommittee. Each subcommittee shall carry out its assignment as directed by the
32 Committee cochair and shall provide its findings and recommendations to the
33 Committee cochair for final decision by the Committee.

34 Section 3.(e) Reports. -- In addition to the report required under
35 subsection (b) of this section, the Committee shall submit the following reports:

36 (1) To the 2001 General Assembly, upon its convening:

37 a. A progress report on the development of the Plan required
38 by this section; and

39 b. An outline of an implementation process for downsizing the
40 four State psychiatric hospitals.

41 (2) To the Legislative Study Commission on Mental Health,
42 Developmental Disabilities, and Substance Abuse Services and to
43 the Joint Appropriations Committees on Health and Human

- 1 Services, by October 1, 2001, and March 1, 2002, progress reports
2 on the development and implementation of the Plan.
- 3 (3) Interim reports on the development and implementation of the
4 Plan to:
- 5 a. The 2001 General Assembly, by May 1, 2002. The report
6 shall include legislative action necessary to continue the
7 implementation of changes to the governance, structure, and
8 financing of the State mental health system as recommended
9 by the Committee in its January 2001 report to the General
10 Assembly.
- 11 b. The 2003 General Assembly, upon its convening.
- 12 c. The 2003 General Assembly, by May 1, 2004. The report
13 shall include legislative action necessary to continue phased-
14 in implementation of the Plan.
- 15 (4) To the 2005 General Assembly, upon its convening, a final report
16 on the Plan for Mental Health System Reform.

17 Section 4. Oversight Committee Appointments. -- The Speaker of the
18 House of Representatives and the President Pro Tempore of the Senate shall make
19 appointments to the Joint Legislative Oversight Committee on Mental Health,
20 Developmental Disabilities, and Substance Abuse Services established under this act
21 not later than 30 days from the date of adjournment sine die of the 1999 General
22 Assembly. The Committee shall convene its first meeting not later than 15 days after
23 all members have been appointed.

24 Section 5. Department of Health and Human Services Reports. -- On or
25 before October 1, 2000, and on or before March 1, 2001, the Department of Health
26 and Human Services shall report to the Legislative Study Commission on Mental
27 Health, Developmental Disabilities, and Substance Abuse Services and to the Joint
28 Legislative Oversight Committee on Mental Health, Developmental Disabilities, and
29 Substance Abuse Services, the status of the Department's reorganization efforts
30 pertaining to the Division of Mental Health, Developmental Disabilities, and
31 Substance Abuse Services. The report shall also include efforts underway by the
32 Department to better coordinate policy and administration of the Division of Medical
33 Assistance with policy and administration of the Division of Mental Health,
34 Developmental Disabilities, and Substance Abuse Services.

35 Section 6. Effective Date. -- This act becomes effective July 1, 2000.

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1999

S

1

SENATE BILL 109

Short Title: Lobbyist Disclosure.

(Public)

Sponsors: Senator Miller.

Referred to: Judiciary II.

February 16, 1999

1 A BILL TO BE ENTITLED
2 AN ACT TO REQUIRE MORE SPECIFIC DISCLOSURE OF LOBBYING.

3 The General Assembly of North Carolina enacts:

4 Section 1. G.S. 120-47.2 reads as rewritten:

5 "§ 120-47.2. Registration procedure.

6 (a) A lobbyist shall file a registration statement with the Secretary of State before
7 engaging in any lobbying. A separate registration statement is required for each
8 lobbyist's principal.

9 (b) The form of the registration shall be prescribed by the Secretary of State and
10 shall include the registrant's full name, firm, and complete address; the registrant's
11 place of business; the full name and complete address of each person by whom the
12 registrant is employed or retained; ~~and a general description of the matters on which~~
13 ~~the registrant expects to act as a lobbyist.~~ a statement of the general issue areas in
14 which the registrant expects to engage in lobbying on behalf of each principal; and
15 the name of every political committee of which each principal is a parent entity
16 under the provisions of G.S. 163-278.19.

17 (c) Each lobbyist shall register again with the Secretary of State no later than 10
18 days after any change in the information supplied in his last registration under
19 subsection (b). Each supplementary registration shall include a complete statement of
20 the information that has changed.

21 (d) Within 20 days after the convening of each session of the General Assembly,
22 the Secretary of State shall furnish each member of the General Assembly and the
23 State Legislative Library a list of all persons who have registered as lobbyists and

1 whom they represent. A supplemental list shall be furnished periodically each 20
2 days thereafter as the session progresses.

3 (e) Each registration statement required under this Article shall be effective from
4 the date of filing until January 1 of the following odd-numbered year. The lobbyist
5 shall file a new registration statement after that date, and the applicable fee shall be
6 due and payable."

7 Section 2. G.S. 120-47.6 reads as rewritten:

8 "**§ 120-47.6. Statements of lobbyist's lobbying expenses and lobbying activities**
9 **required.**

10 (a) Each lobbyist shall file an expense report and a report of lobbying activities
11 with the Secretary of State with respect to each principal within 60 days after the last
12 day of the regular session. ~~This expense report shall include all expenditures made~~
13 ~~between January 1 and the last day of the regular session. The lobbyist shall file a~~
14 ~~supplemental report including all expenditures made after the last day of the regular~~
15 ~~session, but during the calendar year, by February 28 of the following year. The~~
16 ~~lobbyist shall file both expense reports whether or not expenditures are made.~~

17 (b) The expense report shall include all expenditures made between January 1 and
18 the last day of the regular session. The lobbyist shall file a supplemental report
19 including all expenditures made after the last day of the regular session, but during
20 the calendar year, by February 28 of the following year. The lobbyist shall file both
21 expense reports whether or not expenditures are made. Each expense report shall set
22 forth the date of each expenditure, to whom paid, the name of any legislator who
23 benefitted from each expenditure, and the amount of each expenditure made during
24 the previous reporting period in connection with lobbying, in each of the following
25 categories: (1) transportation, (2) lodging, (3) entertainment, (4) food, (5) any item
26 having a cash equivalent value of more than twenty-five dollars (\$25.00) and (6)
27 contributions made, paid, incurred or promised, directly or indirectly. It shall not be
28 necessary to report expenditures of twenty-five dollars (\$25.00) or less, nor shall it be
29 necessary to report any expenditures made in connection with the attendance of a
30 legislator at any fund-raising function or event sponsored by a nonprofit organization
31 qualified under 26 U.S.C. § 501(c). When more than 10 members of the General
32 Assembly benefitted or were invited to benefit from an expenditure, the lobbyist shall
33 not be required to report the name of any legislator, but shall be required to report
34 the number of legislators or, with particularity, the basis for their selection.

35 (b1) The report of lobbying activities shall cover the period between January 1 and
36 the last day of the regular session. The lobbyist shall file a supplemental report
37 covering all lobbying activities engaged in after the last day of the regular session, but
38 during the calendar year, by February 28 of the following year. The lobbyist shall file
39 both reports of lobbying activities, whether or not any lobbying occurred. The report
40 of lobbying activities shall state the specific issues upon which that lobbyist engaged
41 in lobbying as defined in G.S. 120-47.1, including, to the maximum extent
42 practicable, a list of bill numbers.

1 (c) All reports shall be in the form prescribed by the Secretary of State and shall
2 be open to public inspection. The Secretary of State may combine the expense report
3 and the lobbying activities report on a single form, or place them on separate forms.

4 (d) When a lobbyist fails to file a lobbying expense report or report of lobbying
5 activities as required herein, the Secretary of State shall send a certified or registered
6 letter advising the lobbyist of the delinquency and the penalties provided by law.
7 Within 20 days of the receipt of the letter, the lobbyist shall deliver or post by United
8 States mail to the Secretary of State the required report and an additional late filing
9 fee of ten dollars (\$10.00). Filing of the required report and payment of the
10 additional fee within the time extended shall constitute compliance with this section.
11 Failure to file ~~an expense~~ a report in one of the manners prescribed herein shall
12 result in revocation of any and all registrations of a lobbyist under this Article. No
13 lobbyist may register or reregister under this Article until he has fully complied with
14 this section."

15 Section 3. G.S. 120-47.7 reads as rewritten:

16 "**§ 120-47.7. Statements of by lobbyist's principal of lobbying expenses and of lobbying**
17 **activities required.**

18 (a) Each lobbyist's principal shall file an expense report and a report of lobbying
19 activities with the Secretary of State within 60 days after the last day of the regular
20 session. ~~This expense report shall include all expenditures made between January 1~~
21 ~~and the last day of the regular session. The principal shall file a supplemental~~
22 ~~expense report, including all expenditures made after the last day of the regular~~
23 ~~session, but during the calendar year, by February 28 of the following year. The~~
24 ~~principal shall file both expense reports whether or not expenditures are made during~~
25 ~~a reporting period.~~

26 (b) The expense report shall include all expenditures made between January 1
27 and the last day of the regular session. The principal shall file a supplemental report
28 including all expenditures made after the last day of the regular session, but during
29 the calendar year, by February 28 of the following year. The principal shall file both
30 expense reports whether or not expenditures are made. Each expense report shall set
31 forth the name and address of each lobbyist employed, appointed, or retained by the
32 lobbyist's principal, the date of each expenditure made, to whom paid, name of any
33 legislator who benefitted from each expenditure, and amount of each expenditure
34 made during the previous reporting period in connection with lobbying, in each of
35 the following categories: (1) transportation, (2) lodging, (3) entertainment, (4) food,
36 (5) any item having a cash equivalent value of more than twenty-five dollars (\$25.00),
37 (6) contributions made, paid, incurred or promised, directly or indirectly, and (7)
38 compensation to lobbyists in connection with their lobbying activities. It shall not be
39 necessary to report expenditures of twenty-five dollars (\$25.00) or less, nor shall it be
40 necessary to report any expenditures made in connection with the attendance of a
41 legislator at any fund-raising function or event sponsored by a nonprofit organization
42 qualified under 26 U.S.C. § 501(c). When more than 10 members of the General
43 Assembly benefitted or were invited to benefit from an expenditure, the principal
44 shall not be required to report the name of any legislator, but shall be required to

1 report the number of legislators or the basis for their selection. In the category of
2 compensation to lobbyists the principal shall estimate and report the compensation
3 paid or promised directly or indirectly, to all lobbyists based on the estimated time,
4 effort and expense in connection with lobbying activities on behalf of the principal. If
5 a lobbyist is a full-time employee of the principal, or is compensated by means of an
6 annual fee or retainer, the principal shall estimate and report the portion of all such
7 lobbyists' salaries or retainers that compensate the lobbyists for lobbying.

8 (b1) The report of lobbying activities shall cover the period between January 1
9 and the last day of the regular session. The principal shall file a supplemental report
10 covering all lobbying activities engaged in after the last day of the regular session, but
11 during the calendar year, by February 28 of the following year. The principal shall
12 file both reports of lobbying activities, whether or not lobbying occurred. The report
13 of lobbying activities shall state the following:

14 (1) The name and address of each lobbyist employed, appointed, or
15 retained by the principal; and

16 (2) A list of the specific issues upon which each lobbyist lobbied on
17 behalf of the principal, including, to the maximum extent
18 practicable, a list of the bill numbers.

19 (b2) The principal shall state in its report of lobbying activities the name of any
20 political committee of which it is the parent entity under the provisions of G.S. 163-
21 278.19.

22 (c) All reports shall be in the form prescribed by the Secretary of State and open
23 to public inspection. The Secretary of State may combine the expense report and the
24 lobbying activities report on a single form, or place them on separate forms.

25 (d) When a lobbyist's principal fails to file a lobbying expense report or a report
26 of lobbying activities as required herein, the Secretary of State shall send a certified
27 or registered letter advising the lobbyist's principal of the delinquency and the
28 penalties provided by law. Within 20 days of the receipt of the letter, the lobbyist's
29 principal shall deliver or post by United States mail to the Secretary of State the
30 required report and a late filing fee of ten dollars (\$10.00). Filing of the required
31 report and payment of the late fee within the time extended shall constitute
32 compliance with this section."

33 Section 4. G.S. 163-278.11 is amended by adding a new subsection to
34 read:

35 "(d) Each statement filed by a political committee pursuant to the provisions of
36 this Article shall state whether the political committee or its parent entity employed
37 or contracted with a lobbyist required to be registered pursuant to Article 9A of
38 Chapter 120 of the General Statutes. The statement shall identify the lobbyist and
39 shall specify the period of time during which the political committee or its parent
40 entity employed or contracted with the lobbyist."

41 Section 5. This act becomes effective January 1, 2001.

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1999

S

2

SENATE BILL 595

State and Local Government Committee Substitute Adopted 4/12/99

Short Title: Modify NE Regional Commission.

(Public)

Sponsors:

Referred to:

March 29, 1999

1 A BILL TO BE ENTITLED
2 AN ACT TO MODIFY THE LAW CREATING THE NORTHEASTERN
3 REGIONAL ECONOMIC DEVELOPMENT COMMISSION.

4 The General Assembly of North Carolina enacts:

5 Section 1. G.S. 158-8.2 reads as rewritten:

6 "**§ 158-8.2. Creation of Northeastern North Carolina Regional Economic Development**
7 **Commission.**

8 (a) There is created the Northeastern North Carolina Regional Economic
9 Development Commission to facilitate economic development ~~and tourism~~
10 ~~development~~ in Beaufort, Bertie, Camden, Chowan, Currituck, Dare, Gates, Halifax,
11 Hertford, Hyde, Martin, Northampton, Pasquotank, Perquimans, Tyrrell, and
12 Washington Counties, and any other county assigned to the Commission by the
13 Department of Commerce as authorized by law. The Commission shall be located
14 administratively in the Department of Commerce but shall exercise its statutory
15 powers and duties independently of the Department of Commerce. Funds
16 appropriated for the Commission by the General Assembly shall be disbursed directly
17 to the Commission at the beginning of each fiscal year.

18 (b) The Commission shall consist of 18 appointed members and ~~two~~ one ex officio
19 ~~members, member, as follows:~~ provided below. Each appointed member shall be an
20 experienced business person who resides for most of the year in one or more of the
21 counties that are members of the Commission.

22 (1) Six members shall be appointed by the ~~Governor, including one~~
23 ~~developer of northeastern North Carolina, one banker, one county~~

1 ~~commissioner from Camden, Currituck, Pasquotank, or~~
2 ~~Perquimans Counties, or from the county or counties assigned to~~
3 ~~the Commission by the Department of Commerce as authorized by~~
4 ~~law, and one county commissioner from Beaufort, Bertie, Chowan,~~
5 ~~or Martin Counties, or from the county or counties assigned to the~~
6 ~~Commission by the Department of Commerce as authorized by~~
7 ~~law. Governor.~~

8 (2) Six members shall be appointed by the General Assembly upon the
9 recommendation of the President Pro Tempore of the Senate in
10 accordance with G.S. 120-121, ~~including one developer of~~
11 ~~northeastern North Carolina, one banker, and one county~~
12 ~~commissioner from Dare, Hyde, Tyrrell, or Washington Counties.~~
13 120-121.

14 (3) Six members shall be appointed by the General Assembly upon the
15 recommendation of the Speaker of the House of Representatives in
16 accordance with G.S. 120-121, ~~including one developer of~~
17 ~~northeastern North Carolina, one banker, and one county~~
18 ~~commissioner from Halifax, Hertford, Gates, or Northampton~~
19 ~~Counties. 120-121.~~

20 (4) The Secretary of Commerce, or a designee.

21 ~~(5) The Secretary of Cultural Resources, or a designee.~~

22 Any person appointed to the Commission ~~in a categorical appointment as~~ who is
23 also a county commissioner may hold ~~such~~ that office in addition to the offices
24 permitted by G.S. 128-1.1. The appointing authorities are encouraged to discuss and
25 coordinate their appointments in an effort to ensure as many counties served by the
26 Commission are represented among the membership of the Commission.

27 ~~(c) The appointing authority shall designate two of the initial appointees pursuant~~
28 ~~to subdivision (b)(1), one of the initial appointees pursuant to subdivision (b)(2), two~~
29 ~~of the initial appointees pursuant to subdivision (b)(3), and two of the initial~~
30 ~~appointees pursuant to subdivision (b)(4) to serve for terms ending June 30, 1995, the~~
31 ~~remainder of the initial appointees shall serve for terms ending June 30, 1997. Their~~
32 ~~successors shall serve for four year terms ending on June 30 quadrennially thereafter.~~
33 All members shall serve staggered two-year terms ending on June 30 biennially.

34 (d) Any appointment to fill a vacancy on the Commission shall be for the balance
35 of the unexpired term. Vacancies in appointments made by the General Assembly
36 shall be in accordance with G.S. 120-122.

37 (d1) The initial meeting shall be called by the Secretary of the Department of
38 Commerce. The Commission shall meet no less than quarterly.

39 (e) ~~The Commission shall appoint an economic development advisory board made~~
40 ~~up of no more than seven members to advise and assist the Commission in adopting~~
41 ~~and implementing an economic development program. The Commission shall also~~
42 ~~appoint a tourism advisory board made up of no more than seven members to advise~~
43 ~~and assist the Commission in adopting and implementing a tourism development~~
44 ~~program. Members of the Commission may serve on these advisory boards. elect~~

1 annually from among its membership a four-member executive committee consisting
2 of a chair, a vice-chair, a secretary, and a treasurer. Members shall serve one-year
3 terms on the executive committee. The executive committee shall meet no less than
4 quarterly.

5 (f) In addition to the powers and duties granted to economic development
6 commissions in this Article, the Northeastern North Carolina Regional Economic
7 Development Commission shall:

8 (1) Adopt and implement an economic development program, with
9 the assistance of the economic development advisory board, as
10 follows:

- 11 a. Survey northeastern North Carolina and determine the
12 assets, liabilities, and resources that the region contributes to
13 the economic development process;
- 14 b. Enhance economic development activities that use the area's
15 natural resources;
- 16 c. Develop and evaluate alternatives for northeastern North
17 Carolina economic development;
- 18 d. Develop a preferred economic development plan for the
19 region and establish strategies for implementing the plan;
- 20 e. Conduct feasibility studies to determine the nature and
21 placement of economic developments for maximum
22 economic impact;
- 23 f. Identify potential sites for economic development; and
- 24 g. Carry out other activities to develop and promote economic
25 development; development.

26 ~~(2) Adopt and implement a tourism development program, with the~~
27 ~~advice and assistance of the tourism advisory board, as follows:~~

- 28 ~~a. Adopt, implement, and update a water-based tourism~~
29 ~~development strategy;~~
- 30 ~~b. Provide assistance to developers with requirements for~~
31 ~~tourism development, as deemed necessary by the~~
32 ~~Commission;~~
- 33 ~~c. Conduct feasibility studies to determine the nature and~~
34 ~~placement of tourism developments for maximum economic~~
35 ~~impact;~~
- 36 ~~d. Identify sites for tourism development; and~~
- 37 ~~e. Carry out other activities to develop and promote~~
38 ~~water-based tourism;~~

39 (3) Coordinate activities with and enter into contracts with any
40 nonprofit corporation created to assist the Commission in carrying
41 out its powers and ~~duties; and~~ duties.

42 (4) Report to the General Assembly by March 31 each year on the
43 work of the Commission.

1 (g) Within the limits of funds available, the Commission may hire and fix the
2 compensation of any personnel necessary to its operations, contract with consultants
3 for any services as it may require, and contract with the State of North Carolina or
4 the federal government, or any agency or department thereof, for any services as may
5 be provided by those agencies. The Commission shall hire an employee to serve as
6 president and chief executive officer. The Commission may carry out the provisions
7 of any contracts it may enter.

8 Within the limits of funds available, the Commission may lease, rent, purchase, or
9 otherwise obtain suitable quarters and office space for its staff, and may lease, rent, or
10 purchase necessary furniture, fixtures, and other equipment.

11 (h) Members of the Commission who are State employees shall receive travel
12 expenses as provided in G.S. 138-6. Other Commission members shall receive per
13 diem of one hundred dollars (\$100.00) a day for each day of service when the
14 Commission meets and shall be reimbursed for travel and subsistence as provided in
15 G.S. 138-5. ~~The Commission may adopt policies authorizing additional per diem of~~
16 ~~one hundred dollars (\$100.00) a day for non State employee members' additional~~
17 ~~days of service including Commission subcommittee meetings or other Commission~~
18 ~~activities, plus reimbursement for related travel and subsistence as provided in G.S.~~
19 ~~138-5. Members of the advisory boards who are State employees shall receive travel~~
20 ~~expenses as provided in G.S. 138-6 for participating in meetings and other official~~
21 ~~activities authorized by the Commission. Other members of the advisory boards shall~~
22 ~~receive per diem and travel expenses as provided in G.S. 138-5 for participating in~~
23 ~~meetings and other official activities authorized by the Commission."~~

24 Section 2. The Northeastern North Carolina Regional Economic
25 Development Commission shall make the transition from the former membership to
26 the new membership provided in this act, as follows:

- 27 (1) The present executive committee shall serve until a new executive
28 committee is elected.
- 29 (2) The Governor and the General Assembly shall make the
30 appointments provided in G.S. 158-8.2(b)(1) through (3) for terms
31 beginning July 1, 1999. Each appointing authority shall designate
32 one-half of the appointees to serve initial terms of three years and
33 shall designate the remaining appointees to serve two-year terms.
34 Their successors shall serve two-year terms.
- 35 (3) On the date the members of the Commission appointed pursuant
36 to this section take office, the terms of all current members of the
37 Commission appointed before the effective date of this act expire.

38 Section 3. This act is effective when it becomes law.

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1999

S

D

SENATE BILL 595

State and Local Government Committee Substitute Adopted 4/12/99

Proposed House Committee Substitute S595-CSLU-01

WARNING: LINE NUMBERS MAY CHANGE AFTER ADOPTION

Short Title: Real Estate Appraisers.

(Public)

Sponsors:

Referred to:

March 29, 1999

1 A BILL TO BE ENTITLED
2 AN ACT TO AMEND THE LAWS REGULATING REAL ESTATE APPRAISERS.
3 The General Assembly of North Carolina enacts:
4 Section 1. Article 1 of Chapter 93E of the General
5 Statutes reads as rewritten:
6 "ARTICLE 1.
7 "Real Estate Appraiser.
8 "§ 93E-1-1. Title.
9 This Chapter shall be known and may be cited as the 'North
10 Carolina Appraisers Act'.
11 "§ 93E-1-2: Repealed by Session Laws 1995, c. 482, s. 12.
12 "§ 93E-1-2.1. ~~License or certificate~~ Accreditation required of
13 real estate appraisers.
14 Beginning October 1, 1995, it shall be unlawful for any
15 person in this State to act as a real estate appraiser, to
16 directly or indirectly engage or assume to engage in the business
17 of real estate appraisal, or to advertise or hold himself or
18 herself out as engaging in or conducting the business of real
19 estate appraisal without first ~~obtaining a license or certificate~~
20 issued being accredited by the Appraisal Board under the
21 provisions of this Chapter. It shall also be unlawful, where any

1 portion of real property is located within this State, for any
2 person to perform any of the acts listed above without first
3 being accredited by the Appraisal Board under the provisions of
4 this Chapter.

5 "§ 93E-1-3. ~~When license or certificate accreditation~~ not
6 required.

7 (a) No trainee registration, license license, or certificate
8 shall be issued under the provisions of this Chapter to a
9 partnership, association, corporation, firm, or group. However,
10 nothing herein shall preclude ~~a State-licensed or State-certified~~
11 ~~real estate~~ an accredited appraiser from rendering appraisals
12 for or on behalf of a partnership, association, corporation,
13 firm, or group, provided the appraisal report is prepared by a
14 State-licensed or State-certified real estate appraiser or by a
15 registered trainee under the immediate personal direction of, ~~the~~
16 of a State-licensed or State-certified real estate appraiser and
17 is reviewed and signed by that State-licensed or State-certified
18 appraiser.

19 ~~(b) Any person who is not State-licensed or State-certified~~
20 ~~under this Chapter may assist a State-licensed or State-certified~~
21 ~~real estate appraiser in the performance of an appraisal provided~~
22 ~~that the person is registered trainee and is actively and~~
23 ~~personally supervised by a State-certified appraiser and provided~~
24 ~~further that any appraisal report rendered in connection with the~~
25 ~~appraisal is reviewed and signed by the State-certified real~~
26 ~~estate appraiser.~~

27 (c) Nothing in this Chapter shall preclude a real estate
28 broker or salesman licensed under Chapter 93A of the General
29 Statutes from performing a comparative market analysis, provided
30 the person does not ~~represent~~ hold himself or herself out as
31 ~~being State-licensed or State-certified as a real estate~~ an
32 accredited appraiser.

33 (d) Nothing in this Chapter shall abridge, infringe upon, or
34 otherwise restrict the right to use the term 'certified ad
35 valorem tax appraiser' or any similar term by persons certified
36 by the Department of Revenue to perform ad valorem tax
37 appraisals, provided that the term is not used in a manner that
38 creates the impression of certification by the State to perform
39 real estate appraisals other than ad valorem tax appraisals.

40 (e) Nothing in this Chapter shall entitle ~~a State-licensed or~~
41 ~~State-certified real estate~~ an accredited appraiser to appraise
42 real estate for ad valorem tax purposes unless the person has
43 first been certified by the Department of Revenue pursuant to
44 G.S. 105-294.

- 1 (f) ~~A license or certificate~~ Accreditation is not required
2 under this Chapter for:
- 3 (1) Any person, partnership, association, or
4 corporation that performs appraisals of property
5 owned by that person, partnership, association, or
6 ~~corporation;~~ corporation.
 - 7 (2) Any court-appointed commissioner who conducts an
8 appraisal pursuant to a judicially ordered
9 evaluation of ~~property;~~ property.
 - 10 (3) Any person to qualify as an expert witness ~~for~~
11 ~~court or administrative agency testimony, by a~~
12 trier of fact, if otherwise qualified; qualified.
13 A written appraisal report may be prepared by a
14 person who is not accredited under this Chapter if
15 the report is prepared pursuant to an order issued
16 by a trier of fact.
 - 17 (4) A person who appraises standing timber so long as
18 the appraisal does not include a determination of
19 value of any ~~land;~~ land.
 - 20 (5) Any person employed by a lender in the performance
21 of appraisals with respect to which federal
22 regulations do not require a licensed or certified
23 ~~appraiser;~~ appraiser.
 - 24 (6) A person who performs ad valorem tax appraisals and
25 is certified by the Department of Revenue under
26 G.S. 105-294 or ~~G.S. 105-296;~~ G.S. 105-296.
- 27 ~~however, any~~ Any person who is registered, licensed, or certified
28 accredited under this Chapter and ~~who~~ performs any of the
29 activities set forth in subdivisions (1) through (5) of this
30 subsection ~~must~~ shall comply with all of the provisions of this
31 Chapter.
- 32 "§ 93E-1-3.1. Prohibited use of title; permissible use of title.
- 33 (a) It shall be unlawful for any person to assume or use the
34 title 'registered trainee', 'State-licensed real estate
35 appraiser', 'State-certified real estate appraiser', or any title
36 designation or abbreviation likely to create the impression of
37 registration, licensure licensure, or certification as a real
38 estate appraiser, appraiser unless the person is registered,
39 licensed licensed, or certified by the Appraisal Board in
40 accordance with the provisions of this Chapter. The Board may
41 adopt for the exclusive use of persons licensed or certified
42 under the provisions of this Chapter, a seal, symbol, or other
43 mark identifying the user as a State-licensed or State-certified
44 real estate appraiser.

1 (b) Any person certified as a real estate appraiser by an
2 appraisal trade organization shall retain the right to use the
3 term 'certified' or any similar term in identifying the person to
4 the public, provided that:

5 (1) In each instance wherein the term is used, the name
6 of the certifying organization or body is
7 prominently and conspicuously displayed immediately
8 adjacent to the term; and

9 (2) The use of the term does not create the impression
10 of certification by the State.

11 This subsection does not entitle any person certified only by a
12 trade organization to conduct an appraisal that requires a ~~State~~
13 ~~license or certification.~~ accreditation under the provisions of
14 this Chapter.

15 (c) The term 'registered trainee', 'State-licensed real estate
16 appraiser', 'State-certified real estate appraiser', or any
17 similar term shall not be used following or immediately in
18 connection with the name of a partnership, association,
19 corporation, or other firm or group, or in a manner that might
20 create the impression of registration, licensure licensure, or
21 certification as a real estate appraiser under this Chapter.

22 "§ 93E-1-4. Definitions.

23 ~~When used in this Chapter, unless the context otherwise~~
24 ~~requires, the term:~~

25 (1) ~~"Appraisal" or "real estate appraisal" means an~~
26 ~~analysis, opinion, or conclusion as to the value of~~
27 ~~identified real estate or specified interests~~
28 ~~therein performed for compensation or other~~
29 ~~valuable consideration.~~

30 (2) ~~"Appraisal assignment" means an engagement for~~
31 ~~which an appraiser is employed or retained to act,~~
32 ~~or would be perceived by third parties or the~~
33 ~~public as acting, as a disinterested third party in~~
34 ~~rendering an unbiased appraisal.~~

35 (3) ~~"Appraisal Board" or "Board" means the North~~
36 ~~Carolina Appraisal Board established under G.S.~~
37 ~~93E-1-5.~~

38 (4) ~~"Appraisal Foundation" or "Foundation" means The~~
39 ~~Appraisal Foundation established on November 20,~~
40 ~~1987, as a not-for-profit corporation under the~~
41 ~~laws of Illinois.~~

42 (5) ~~"Appraisal report" means any communication, written~~
43 ~~or oral, of an appraisal.~~

- 1 ~~(6) "Certificate" means that document issued by the~~
2 ~~North Carolina Appraisal Board evidencing that the~~
3 ~~person named therein has satisfied the requirements~~
4 ~~for certification as a State-certified real estate~~
5 ~~appraiser and bearing a certificate number assigned~~
6 ~~by the Board.~~
- 7 ~~(7) "Certificate holder" means a person certified by~~
8 ~~the Board under the provisions of this Chapter.~~
- 9 ~~(7a) "Comparative market analysis" means the analysis of~~
10 ~~sales of similar recently sold properties in order~~
11 ~~to derive an indication of the probable sales price~~
12 ~~of a particular property by a licensed real estate~~
13 ~~broker or salesperson for the broker's or~~
14 ~~salesperson's principal.~~
- 15 ~~(8) "License" means that document issued by the North~~
16 ~~Carolina Appraisal Board evidencing that the person~~
17 ~~named therein has satisfied the requirements for~~
18 ~~licensure as a State-licensed real estate appraiser~~
19 ~~and bearing a license number assigned by the Board.~~
- 20 ~~(9) "Licensee" means a person licensed by the Board~~
21 ~~under the provisions of this Chapter.~~
- 22 ~~(10) "Real estate" or "real property" means land,~~
23 ~~including the air above and ground below and all~~
24 ~~appurtenances and improvements thereto, as well as~~
25 ~~any interest or right inherent in the ownership of~~
26 ~~land.~~
- 27 ~~(11) "Real estate appraiser" or "appraiser" means a~~
28 ~~person who for a fee or valuable consideration~~
29 ~~develops and communicates real estate appraisals or~~
30 ~~otherwise gives an opinion of the value of real~~
31 ~~estate or any interest therein.~~
- 32 ~~(12) "Real estate appraising" means the practice of~~
33 ~~developing and communicating real estate~~
34 ~~appraisals.~~
- 35 ~~(13) "Residential real estate" means any parcel of real~~
36 ~~estate, improved or unimproved, that is exclusively~~
37 ~~residential in nature and that includes or is~~
38 ~~intended to include a residential structure~~
39 ~~containing not more than four dwelling units and no~~
40 ~~other improvements except those which are typical~~
41 ~~residential improvements that support the~~
42 ~~residential use for the location and property type.~~
43 ~~A residential unit in a condominium, town house, or~~

- 1 ~~cooperative complex, or planned unit development is~~
2 ~~considered to be residential real estate.~~
- 3 (14) ~~"State-certified general real estate appraiser"~~
4 ~~means a person who holds a current, valid~~
5 ~~certificate as a State-certified general real~~
6 ~~estate appraiser issued under the provisions of~~
7 ~~this Chapter.~~
- 8 (15) ~~"State-certified residential real estate appraiser"~~
9 ~~means a person who holds a current, valid~~
10 ~~certificate as a State-certified residential real~~
11 ~~estate appraiser issued under the provisions of~~
12 ~~this Chapter.~~
- 13 (16) ~~"State-licensed residential real estate appraiser"~~
14 ~~means a person who holds a current, valid license~~
15 ~~as a State-licensed residential real estate~~
16 ~~appraiser issued under the provisions of this~~
17 ~~Chapter.~~
- 18 (17) ~~"Temporary appraiser licensure or certification"~~
19 ~~means the issuance of a temporary license or~~
20 ~~certificate by the Board to a person licensed or~~
21 ~~certified in another state who enters this State~~
22 ~~for the purpose of completing a particular~~
23 ~~appraisal assignment.~~
- 24 (18) ~~"Trainee", "registered trainee", or "trainee real~~
25 ~~estate appraiser" means a person who has satisfied~~
26 ~~the requirements to be registered as a trainee~~
27 ~~pursuant to G.S. 93E-1-6, but who has not satisfied~~
28 ~~the experience and other requirements set forth in~~
29 ~~G.S. 93E-1-6 to be licensed as a real estate~~
30 ~~appraiser.~~
- 31 (19) ~~"Trainee registration" or "registration as a~~
32 ~~trainee" means the document issued by the North~~
33 ~~Carolina Appraisal Board evidencing that the person~~
34 ~~named therein has satisfied the requirements of~~
35 ~~registration as a trainee real estate appraiser and~~
36 ~~bearing a registration number assigned by the~~
37 ~~Board.~~

38 The following definitions shall apply in this Article:

- 39 (1) Accreditation. -- The granting of authorization by
40 the Board to act as a registered trainee or State-
41 licensed or State-certified real estate appraiser
42 under the provisions of this Chapter.
- 43 (2) Accredited appraiser. -- A person who has been
44 granted accreditation under this Chapter as a

- 1 registered trainee or State-licensed or State-
2 certified real estate appraiser.
- 3 (3) Appraisal or real estate appraisal. -- The act or
4 process of developing an opinion of value of
5 identified real property or specified interests
6 therein performed for compensation or other
7 valuable consideration.
- 8 (4) Appraisal assignment. -- An engagement for which an
9 appraiser is employed or retained to act, or would
10 be perceived by third parties or the public as
11 acting, as a disinterested third party in rendering
12 an unbiased appraisal.
- 13 (5) Appraisal Board or Board. -- The North Carolina
14 Appraisal Board established under G.S. 93E-1-5.
- 15 (6) Appraisal report. -- Any communication, written or
16 oral, of an appraisal.
- 17 (7) Certificate. -- A document issued by the North
18 Carolina Appraisal Board evidencing that the person
19 named therein has satisfied the requirements for
20 certification and bearing a certificate number
21 assigned by the Board.
- 22 (8) Certificate holder. -- A person certified by the
23 Board under the provisions of this Article.
- 24 (9) Comparative market analysis. -- The analysis of
25 sales of similar recently sold properties in order
26 to derive an indication of the probable sales price
27 of a particular property by a licensed real estate
28 broker or salesperson for the broker's or
29 salesperson's potential or actual brokerage client
30 or for real property involved in an employee
31 relocation program.
- 32 (10) License. -- A document issued by the North Carolina
33 Appraisal Board evidencing that the person named
34 therein has satisfied the requirements for
35 licensure as a State-licensed real estate appraiser
36 and bearing a license number assigned by the Board.
- 37 (11) Licensee. -- A person licensed by the Board under
38 the provisions of this Chapter.
- 39 (12) Real estate or real property. -- Land, including
40 the air above and ground below and all
41 appurtenances and improvements thereto, as well as
42 any interest or right inherent in the ownership of
43 land.

- 1 (13) Real estate appraiser or appraiser. -- A person who
2 for a fee or valuable consideration develops and
3 communicates real estate appraisals or otherwise
4 gives an opinion of the value of real estate or any
5 interest therein.
- 6 (14) Real estate appraising. -- The practice of
7 developing and communicating real estate
8 appraisals.
- 9 (15) Residential real estate. -- Any parcel of real
10 estate, improved or unimproved, that is exclusively
11 residential in nature and that includes or is
12 intended to include a residential structure
13 containing not more than four dwelling units and no
14 other improvements except those which are typical
15 residential improvements that support the
16 residential use for the location and property type.
17 A time share or residential unit in a condominium,
18 town house, cooperative complex, or planned unit
19 development is considered to be residential real
20 estate.
- 21 (16) State-certified general real estate appraiser. --
22 A person who holds a current, valid certificate as
23 a State-certified general real estate appraiser
24 issued under the provisions of this Chapter.
- 25 (17) State-certified residential real estate appraiser.
26 -- A person who holds a current, valid certificate
27 as a State-certified residential real estate
28 appraiser issued under the provisions of this
29 Chapter.
- 30 (18) State-licensed residential real estate appraiser.
31 -- A person who holds a current, valid license as a
32 State-licensed residential real estate appraiser
33 issued under the provisions of this Article.
- 34 (19) Trainee or registered trainee. -- A person who
35 holds a current, valid registration as a trainee
36 real estate appraiser under the provisions of this
37 Chapter.
- 38 (20) Trainee registration. -- The document issued by the
39 North Carolina Appraisal Board evidencing that the
40 person named therein has satisfied the requirements
41 of registration as a trainee real estate appraiser
42 and bearing a registration number assigned by the
43 Board.
- 44 "§ 93E-1-5. Appraisal board.

1 (a) There is created the North Carolina Appraisal Board for
2 the purposes set forth in this Chapter. The Board shall consist
3 of seven members. The Governor shall appoint five members of the
4 Board, and the General Assembly shall appoint two members in
5 accordance with G.S. 120-121, one upon the recommendation of the
6 President Pro Tempore of the Senate and one upon the
7 recommendation of the Speaker of the House of Representatives.
8 Each member appointed by the Governor shall be appointed from a
9 different congressional district. The appointee recommended by
10 the Speaker of the House of Representatives and the appointees of
11 the Governor shall be persons who have been engaged in the
12 business of real estate appraising in this State for at least
13 five years immediately preceding their appointment and are also
14 State-licensed or State-certified real estate appraisers. No more
15 than ~~four~~ three of the appointees may be members of the same
16 appraiser trade organization, group, or committee at any one
17 time. The appointee recommended by the President Pro Tempore of
18 the Senate shall be a person not involved directly or indirectly
19 in the real estate, real estate appraisal, or the real estate
20 lending industry. Members of the Board shall serve three-year
21 terms, so staggered that the terms of three members expire in one
22 year, the terms of two members expire in the next year, and the
23 terms of two members expire in the third year of each three-year
24 period. The members of the Board shall elect one of their members
25 to serve as chairman of the Board for a term of one year. The
26 Governor may remove any member of the Board appointed by the
27 Governor for misconduct, ~~incompetency~~, incompetence, or neglect
28 of duty. The General Assembly may remove any member appointed by
29 it for the same reasons. Successors shall be appointed by the
30 appointing authority making the original appointment. All
31 vacancies occurring on the Board shall be filled, for the
32 unexpired term, by the appointing authority making the original
33 appointment. Vacancies in appointments made by the General
34 Assembly shall be filled in accordance with G.S. 120-122. Initial
35 terms of office shall commence July 1, 1994.

36 (b) The Board is an occupational licensing agency governed by
37 Chapter 150B of the General Statutes; its decisions are final
38 agency decisions subject to judicial review under Article 4 of
39 Chapter 150B of the General Statutes.

40 (c) Members of the Board shall be paid the per diem,
41 subsistence, and travel allowances at the rates set forth in G.S.
42 93B-5; provided that none of the expenses of the Board or the
43 compensation or expenses of any officer or employee thereof shall
44 be payable out of the treasury of the State of North Carolina;

1 the total expenses of the administration of this Chapter shall
2 not exceed the total income therefrom; and neither the Board nor
3 any officer or employee thereof shall have any power or authority
4 to make or incur any expense, debt, or other financial obligation
5 binding upon the State of North Carolina.

6 (d) The Board shall adopt a seal for its use, which shall bear
7 thereon the words 'North Carolina Appraisal Board'. Copies of all
8 papers in the office of the Board duly certified and
9 authenticated by the seal of the Board shall be received in
10 evidence in all courts and administrative bodies and with like
11 effect as the originals.

12 (e) The Board may employ an Executive Director and
13 professional and clerical staff as may be necessary to carry out
14 the provisions of this Chapter and to put into effect the rules
15 that the Board may promulgate. The Board shall fix salaries. The
16 Board shall have the authority to issue to its employees
17 credentials or other means of identification.

18 (f) The Board shall be entitled to the services of the
19 Attorney General in connection with the affairs of the Board or
20 may, in its discretion, employ an attorney to assist or represent
21 it in the enforcement of this Chapter.

22 (f1) The Board shall have the power to acquire, hold, rent,
23 encumber, alienate, and otherwise deal with real property in the
24 same manner as a private person or corporation, subject only to
25 the approval of the Governor and the Council of State as to the
26 acquisition, rental, encumbering, leasing, and sale of real
27 property. Collateral pledged by the Board for an encumbrance is
28 limited to the assets, income, and revenues of the Board.

29 (f2) The Board may purchase, rent, or lease equipment and
30 supplies and purchase liability insurance or other insurance to
31 cover the activities of the Board, its operations, or its
32 employees.

33 (g) The Board may ~~prefer~~ file a complaint for violation of
34 this Chapter before any court of competent jurisdiction, and it
35 may take the necessary legal steps through the proper legal
36 offices of the State to enforce the provisions of this Chapter.

37 "~~§ 93E-1-6. Qualifications for State licensure and~~
38 ~~certification; accreditation; applications; application fees;~~
39 ~~examinations.~~

40 (a) Any person desiring ~~to be registered as a trainee or to~~
41 ~~obtain licensure as a State-licensed real estate appraiser or~~
42 ~~certification as a State-certified real estate appraiser~~
43 accreditation under this Chapter shall make written application
44 to the Board on the forms as are prescribed by the Board setting

1 forth the applicant's qualifications for licensure or
2 ~~certification~~, accreditation. Each applicant shall satisfy the
3 following qualification requirements:

- 4 (1) Each applicant for licensure as a State-licensed
5 residential real estate appraiser ~~shall have~~
6 ~~demonstrated~~ shall: (i) demonstrate to the Board
7 that the applicant possesses the knowledge and
8 competence necessary to perform appraisals ~~of~~
9 ~~residential and other real estate as the Board may~~
10 ~~prescribe~~ of real property, by having
11 satisfactorily ~~completed~~ completed, within the
12 five-year period immediately preceding the date
13 application is made, a ~~Board-approved~~ course of
14 instruction approved by the Board, in real estate
15 appraisal principles and practices consisting of at
16 least 90 hours of classroom instruction in subjects
17 determined by the ~~Board; shall~~ Board, (ii) present
18 evidence satisfactory to the Board of at least
19 2,000 hours or the minimum requirement imposed by
20 the federal government, whichever is greater, of
21 experience in real estate appraising; and shall
22 appraising, and satisfy the additional
23 qualifications as may be imposed by the Board by
24 rule, not inconsistent with any requirements
25 imposed by the federal government; or shall possess
26 education or experience which is found by the Board
27 ~~in its discretion~~ to be equivalent to the above
28 requirements.
- 29 (2) Each applicant for certification as a State-
30 certified residential real estate appraiser ~~shall~~
31 ~~have demonstrated~~ shall: (i) demonstrate to the
32 Board that the applicant possesses the knowledge
33 and competence necessary to perform appraisals of
34 ~~residential and other real estate as the Board may~~
35 ~~prescribe~~ real property by having satisfactorily
36 completed, within the five-year period immediately
37 preceding the date the application is made, a
38 ~~Board-approved~~ course of instruction approved by
39 the Board in real estate appraisal principles and
40 practices consisting of at least 120 hours or the
41 minimum requirement as imposed by the federal
42 government, whichever is greater, of classroom
43 instruction in subjects determined by the ~~Board;~~
44 ~~shall~~ Board, (ii) present evidence satisfactory to

1 the Board of at least ~~2,000~~ 2,500 hours or the
2 minimum requirement as imposed by the federal
3 government, whichever is greater, of experience in
4 real estate appraising within the five-year period
5 immediately preceding the date application is made,
6 and over a period of at least two calendar ~~years;~~
7 years, and ~~shall~~ (iii) satisfy the additional
8 qualifications criteria as may be imposed by the
9 Board by rule, not inconsistent with any
10 requirements imposed by the federal government; or
11 shall possess education and experience which is
12 found by the Board ~~in its discretion~~ to be
13 equivalent to the above requirements.

- 14 (3) Each applicant for certification as a State-
15 certified general real estate appraiser ~~shall have~~
16 ~~demonstrated~~ shall: (i) demonstrate to the Board
17 that the applicant possesses the knowledge and
18 competence necessary to perform appraisals of all
19 types of real estate property by having
20 satisfactorily completed, within the five-year
21 period immediately preceding the date application
22 is made, a ~~Board-approved~~ course of instruction
23 approved by the Board in general real estate
24 appraisal practices consisting of at least 180
25 hours or the minimum requirement as imposed by the
26 federal government, whichever is greater, of
27 classroom instruction in subjects determined by the
28 ~~Board;~~ Board, (ii) present evidence
29 satisfactory to the Board of at least ~~2,000~~ 3,000
30 ~~hours~~ hours, or the minimum requirement as imposed
31 by the federal government, whichever is greater, of
32 experience in real estate appraising within the
33 five-year period immediately preceding the date
34 application is made, and over a period of at least
35 two calendar years, fifty percent (50%) of which
36 ~~must~~ shall be in appraising nonresidential real
37 ~~estate;~~ estate, and ~~shall~~ (iii) satisfy the
38 additional qualifications criteria as may be
39 imposed by the Board by rule, not inconsistent with
40 any requirements imposed by the federal government;
41 or the applicant shall possess education or
42 experience which is found by the Board ~~in its~~
43 ~~discretion~~ to be equivalent to the above
44 requirements.

- 1 (4) ~~Each applicant for registration as a trainee must~~
2 ~~demonstrate to the Board that the applicant~~
3 ~~possesses the knowledge and competence necessary to~~
4 ~~perform an appraisal of residential and other real~~
5 ~~estate, as prescribed by the Board, by:~~
6 a. ~~Having satisfactorily completed within the~~
7 ~~five-year period immediately preceding the~~
8 ~~date application is made, a course, approved~~
9 ~~by the Board, of instruction in real estate~~
10 ~~appraisal principles and practices consisting~~
11 ~~of at least 90 hours of classroom instruction~~
12 ~~in subjects determined by the Board; and~~
13 b. ~~Satisfying any additional qualifications the~~
14 ~~Board imposes by rule, not inconsistent with~~
15 ~~any requirements imposed by the federal~~
16 ~~government;~~
17 ~~or shall possess education or experience that the~~
18 ~~Board, in its discretion, determines to be~~
19 ~~equivalent to the requirements set forth in~~
20 ~~sub-subdivisions a. and b. of this subdivision.~~
21 ~~Provided, however, that any persons who, on the~~
22 ~~effective date of this Chapter, have a State~~
23 ~~license or certificate to engage in business as a~~
24 ~~real estate appraiser issued by the predecessor of~~
25 ~~the Board, shall be entitled to and shall receive~~
26 ~~the same license or certificate from the Board as~~
27 ~~they are then holding without further education,~~
28 ~~experience, examination, or application fee.~~
29 Each applicant for registration as a trainee shall:
30 (i) demonstrate to the Board that the applicant
31 possesses the knowledge and competence necessary to
32 perform appraisals of real property by having
33 satisfactorily completed, within the five-year
34 period immediately preceding the date application
35 is made, a course of instruction approved by the
36 Board in real estate appraisal principles and
37 practices consisting of at least 90 hours of
38 classroom instruction in subjects determined by the
39 Board and (ii) satisfy any additional
40 qualifications imposed by the Board, by rule, not
41 inconsistent with any requirements imposed by the
42 federal government.
43 (b) ~~Each application for registration as a trainee or for~~
44 ~~State licensure or certification as a real estate appraiser~~

1 accreditation shall be accompanied by a fee of one hundred fifty
2 dollars (\$150.00), plus any additional fee as may be necessary to
3 defray the cost of any competency examination administered by a
4 private testing service.

5 (c) Any person who files with the Board an application for
6 ~~State-licensure or certification as a real estate appraiser~~
7 accreditation shall be required to pass an examination to
8 demonstrate the person's competence. The Board shall also make an
9 investigation as it deems necessary into the background of the
10 applicant to determine the applicant's qualifications with due
11 regard to the paramount interest of the public as to the
12 applicant's competency, honesty, truthfulness, and integrity.
13 The Board may investigate and consider whether the applicant has:
14 (i) had any disciplinary action taken against any other
15 professional license that he or she holds in this State or any
16 other state; (ii) committed any act which would be grounds for
17 disciplinary action, including the suspension or revocation of
18 accreditation under this Chapter; and (iii) been convicted of or
19 pled guilty to any criminal act. If the results of the
20 investigation shall be satisfactory to the ~~Board~~ Board, and the
21 applicant is otherwise qualified, then the Board shall issue to
22 the applicant a trainee registration, license or certificate
23 authorizing the applicant to act as a registered trainee, State-
24 licensed real estate appraiser or a State-certified real estate
25 appraiser in this State. ~~If, based upon the results of the~~
26 ~~investigation, the moral character of the applicant is in~~
27 ~~question, action on the application will be deferred pending a~~
28 ~~hearing before the Board.~~

29 (d) ~~Any person who files with the Board an application for~~
30 ~~registration as a trainee real estate appraiser shall be required~~
31 ~~to pass an examination to demonstrate the person's competence.~~
32 ~~The Board shall also make an investigation as it deems necessary~~
33 ~~into the background of the applicant to determine the applicant's~~
34 ~~qualifications with due regard to the paramount interest of the~~
35 ~~public as to the applicant's honesty, truthfulness, and~~
36 ~~integrity. If the results of the investigation shall be~~
37 ~~satisfactory to the Board and the applicant is otherwise~~
38 ~~qualified, then the Board shall issue to the applicant a~~
39 ~~registration authorizing the applicant to act as a registered~~
40 ~~trainee real estate appraiser in this State. If, based upon the~~
41 ~~results of the investigation, the moral character of the~~
42 ~~applicant is in question, action on the application will be~~
43 ~~deferred pending a hearing before the Board.~~

1 If the applicant fails to demonstrate to the Board that
2 he or she has met the requirements for accreditation under this
3 Chapter, the Board may conduct a hearing on the application prior
4 to making a final decision on whether accreditation should be
5 granted.

6 "§ 93E-1-6.1. Trainee supervision.

7 Registered trainees shall perform all real estate appraisal
8 related activities under the immediate, active and personal
9 supervision of a State-licensed or State-certified real estate
10 appraiser. All appraisal reports prepared by a registered
11 trainee shall be signed by the supervising State-licensed or
12 State-certified real estate appraiser, and the signature of the
13 appraiser shall mean the appraiser accepts and shares
14 responsibility with the trainee for the content of and
15 conclusions in the report.

16 "§ 93E-1-7. ~~Registration, license and certificate renewal;~~
17 ~~Accreditation renewal; renewal fees; continuing education;~~
18 ~~reinstatement; replacement registrations, licenses and~~
19 ~~certificates; licensure and certification history. accreditation~~
20 ~~history; address changes.~~

21 (a) Trainee registrations, licenses, and certificates issued
22 under this Chapter shall expire on the 30th day of June of every
23 year and shall become invalid after that date unless renewed
24 prior to the expiration date by filing an application with and
25 paying to the Executive Director of the Board the fee of two
26 hundred dollars (\$200.00). As a prerequisite to the renewal of a
27 trainee registration or a real estate appraiser license or
28 certificate, the trainee registration holder, the licensee, or
29 the certificate holder must satisfy any continuing education
30 requirements that may be prescribed by the Board under subsection
31 (b) of this section; provided, however, that members of the
32 General Assembly are exempt from this requirement during their
33 term of office. The Board may adopt rules establishing a system
34 of trainee registration, license, and certificate renewal in
35 which trainee registrations, licenses, and certificates expire
36 annually with varying expiration dates.

37 (b) The Board may by rule require, as a prerequisite to
38 ~~trainee registration, license, or certificate accreditation~~
39 renewal, the completion of Board-approved education courses in
40 subject matters determined by the Board, or courses determined by
41 the Board to be equivalent to the instruction, not inconsistent
42 with any requirements of federal authorities.

43 (c) All trainee registrations, licenses, and certificates
44 reinstated after the expiration dates shall be subject to a late

1 filing fee of five dollars (\$5.00) per month for each month or
2 part thereof that the trainee registration, license, or
3 certificate is lapsed, not to exceed sixty dollars (\$60.00). The
4 late filing fee shall be in addition to the required renewal fee.
5 In the event a trainee, licensee, or certificate holder fails to
6 reinstate the trainee registration, license, or certificate
7 within 12 months after the expiration date thereof, the Board
8 may, in its discretion, consider the person as not having been
9 previously ~~registered, licensed, or certified,~~ accredited, and
10 thereby subject to the provisions of this Chapter relating to the
11 issuance of an original trainee registration, license, or
12 certificate, including the examination requirements set forth
13 herein. Applications to reinstate trainee registrations,
14 licenses, or certificates expired for 12 or more months shall be
15 accompanied by the fee required for an original trainee
16 registration, license, or certificate.

17 (d) Replacement trainee registrations, licenses, and
18 certificates may be issued by the Board upon payment of five
19 dollars (\$5.00) by the trainee, licensee, or certificate holder.
20 Certification by the Board of ~~the trainee registration history or~~
21 ~~the licensure or certification~~ accreditation or the accreditation
22 history of a person registered, licensed, or certified under this
23 Chapter shall be made only after the payment of a fee of ten
24 dollars (\$10.00) to the Board.

25 (e) Every trainee, licensee, and certificate holder shall give
26 written notice to the Board of any change in his or her business
27 address within 10 business days after the change takes place.

28 "§ 93E-1-8. Education program approval and fees.

29 ~~(a) The Board may by rule prescribe minimum standards for the~~
30 ~~approval and renewal of approval of schools and other course~~
31 ~~sponsors and their instructors to conduct appraiser prelicensing~~
32 ~~and precertification courses required by G.S. 93E-1-6(a). Such~~
33 ~~standards may address subject matter, program structuring,~~
34 ~~instructional materials, requirements for satisfactory course~~
35 ~~completion, instructors' qualifications, and other related~~
36 ~~matters relevant to the provision of such courses in a manner~~
37 ~~that best serves the public interest.~~

38 ~~(b) The Board may by rule set nonrefundable fees chargeable to~~
39 ~~private real estate appraisal schools or course sponsors,~~
40 ~~including appraisal trade organizations, for the approval and~~
41 ~~annual renewal of approval of their prelicensing and~~
42 ~~precertification courses required by G.S. 93E-1-6(a), or~~
43 ~~equivalent courses. Such fees shall be forty dollars (\$40.00)~~
44 ~~per course for approval and twenty dollars (\$20.00) per course~~

~~1 for renewal of approval of private school courses, and three
2 hundred dollars (\$300.00) per course for approval and fifty
3 dollars (\$50.00) per course for renewal of approval for course
4 sponsors, including appraisal trade organizations. No fees shall
5 be charged for the approval or renewal of approval to conduct
6 appraiser prelicensing or precertification courses where such
7 courses are offered by a North Carolina college, university,
8 junior college, or community or technical college accredited by
9 the Southern Association of Colleges and Schools, or an agency of
10 the federal, State, or local government.~~

~~11 (c) The Board may by rule prescribe minimum standards for the
12 approval and annual renewal of approval of schools and other
13 course sponsors and their instructors to conduct appraiser
14 continuing education courses. Such standards may address subject
15 matter, instructional materials, requirements for satisfactory
16 course completion, minimum course length, instructors'
17 qualifications, and other related matters relevant to the
18 provision of such courses in a manner that best serves the public
19 interest.~~

~~20 (d) Nonrefundable fees of one hundred dollars (\$100.00) per
21 course may be charged to schools and course sponsors for the
22 approval to conduct appraiser continuing education courses and
23 fifty dollars (\$50.00) per course for renewal of approval.
24 However, no fees shall be charged for the approval or renewal of
25 approval to conduct appraiser continuing education courses where
26 such courses are offered by a North Carolina college, university,
27 junior college, or community or technical college accredited by
28 the Southern Association of Colleges and Schools, or by an agency
29 of the federal, State, or local government. A nonrefundable fee
30 of fifty dollars (\$50.00) per course may be charged to current or
31 former licensees or certificate holders requesting approval by
32 the Board of a course for continuing education credit when
33 approval of such course has not been previously obtained by the
34 offering school or course sponsor.~~

~~35 (a) Appraiser pre-licensing and pre-certification courses.~~
~~36 (1) The Board may, by rule, prescribe minimum standards
37 for the approval, renewal of approval, and
38 withdrawal of approval of schools and other course
39 sponsors and their instructors to conduct appraiser
40 pre-licensing and pre-certification courses
41 required by G.S. 93E-1-6(a). These standards may
42 address subject matter, program structuring,
43 instructional materials, requirements for
44 satisfactory course completion, instructors'~~

1 qualifications, adequacy of facilities, and other
2 related matters relevant to the provision of these
3 courses in a manner that best serves the public
4 interest.

5 (2) The Board may, by rule, set nonrefundable fees
6 chargeable to private real estate appraisal schools
7 or course sponsors, including appraisal trade
8 organizations, for the approval and renewal of
9 approval of their pre-licensing and pre-
10 certification courses required by G.S. 93E-1-6(a),
11 or equivalent courses. These fees shall be forty
12 dollars (\$40.00) per course for approval and twenty
13 dollars (\$20.00) per course for renewal of approval
14 of private schools offering pre-licensing and pre-
15 certification courses required by the Board. No
16 fees shall be charged for the approval or renewal
17 of approval to conduct appraiser pre-licensing or
18 pre-certification courses where these courses are
19 offered by a North Carolina college, university,
20 junior college, or community or technical college
21 accredited by the Southern Association of Colleges
22 and Schools, or an agency of the federal, State, or
23 local government.

24 (3) Any sponsor, including an appraisal trade
25 organization, may request that the Board consider
26 whether its courses are substantially equivalent to
27 the pre-licensing and pre-certification courses
28 required by the Board. The sponsor shall pay three
29 hundred dollars (\$300.00) per course for approval
30 and fifty dollars (\$50.00) per course for renewal
31 of approval.

32 (b) Appraiser continuing education courses.

33 (1) The Board may, by rule, prescribe minimum standards
34 for the approval, renewal of approval, and
35 withdrawal of approval of schools and other course
36 sponsors and their instructors to conduct appraiser
37 continuing education courses. These standards may
38 address subject matter, instructional materials,
39 requirements for satisfactory course completion,
40 minimum course length, instructors' qualifications,
41 adequacy of facilities, and other related matters
42 relevant to the provision of these courses in a
43 manner that best serves the public interest.

1 (2) Nonrefundable fees of one hundred dollars (\$100.00)
2 per course may be charged to schools and course
3 sponsors for the approval to conduct appraiser
4 continuing education courses and fifty dollars
5 (\$50.00) per course for renewal of approval. No
6 fees shall be charged for the approval or renewal
7 of approval to conduct appraiser continuing
8 education courses where these courses are offered
9 by a North Carolina college, university, junior
10 college, or community or technical college
11 accredited by the Southern Association of Colleges
12 and Schools, or by an agency of the federal, State,
13 or local government. A nonrefundable fee of fifty
14 dollars (\$50.00) per course may be charged to
15 current or former licensees or certificate holders
16 requesting approval by the Board of a course for
17 continuing education credit when approval of the
18 course has not been previously obtained by the
19 offering school or course sponsor.

20 (c) Revocation or surrender of course sponsor approval.
21 (1) Upon its own motion or receipt of a written
22 complaint, the Board may investigate the actions of
23 any course sponsor offering pre-licensing and pre-
24 certification or continuing education courses under
25 the provisions of this Chapter. If the Board
26 determines that a course sponsor has engaged in
27 conduct that is inconsistent with the provisions of
28 this Chapter or Board rules, the Board may accept a
29 consent order or revoke or refuse to renew a course
30 sponsor's approval. The Board shall dismiss a
31 complaint against a course sponsor if it finds that
32 the complaint is without merit.
33 (2) A course sponsor may, upon allegations of
34 misconduct under this Chapter or Board rules,
35 voluntarily surrender approval for a period of time
36 established by the Board. A course sponsor may not
37 request approval of any course during the time in
38 which approval has been surrendered.

39 "§ 93E-1-9. Nonresident registration, licensure and
40 certification.

41 (a) An applicant from another state which offers real estate
42 trainee registration or the equivalent, or real estate appraiser
43 licensing or certification privileges to residents of North
44 Carolina may become State-licensed or certified accredited in

1 this State by conforming to all of the provisions of this
2 Chapter, and, in the discretion of the Board, ~~such~~ any other
3 terms and conditions as are required of North Carolina residents
4 applying for ~~certification or licensure~~ accreditation in ~~such~~
5 other ~~state~~ states.

6 (b) The Board, in its discretion, may undertake to register,
7 license license, or certify on a reciprocal basis, persons
8 ~~licensed or certified~~ accredited in other states who are deemed
9 by the Board to possess qualifications equivalent to resident
10 North Carolina registered trainees, State-licensed or State-
11 certified real estate appraisers.

12 (c) The Board may by rule establish a procedure for granting
13 temporary appraiser ~~licensure or certification~~ accreditation and
14 may charge an application fee of fifty dollars (\$50.00) for
15 temporary appraiser ~~licensure or certification~~ accreditation.

16 (d) Every applicant for ~~State licensure or certification~~
17 accreditation under this Chapter who is not a resident of this
18 State shall submit with his or her application an irrevocable
19 consent that service of process in any action against the
20 applicant arising out of the applicant's activities as a
21 registered trainee, State-licensed or State-certified real estate
22 appraiser may be made by delivery of the process on the Executive
23 Director of the Board.

24 "§ 93E-1-10. Rule-making authority.

25 The Board may adopt rules not inconsistent with the provisions
26 of this Chapter and the General Statutes of North Carolina which
27 may be reasonably necessary to implement, administer, and enforce
28 the provisions of this Chapter, including, but not limited to,
29 the authority to:

- 30 (1) Prescribe forms and procedures for submitting
31 information to the Board;
- 32 (2) Prescribe standards of practice for persons
33 registered as a trainee or licensed or certified
34 under this Chapter; and
- 35 (3) Prescribe standards for the operation of real
36 estate appraiser education programs.

37 "§ 93E-1-11. Register of applicants; roster of trainees, State-
38 licensed and State-certified appraisers; financial report to
39 Secretary of State; administrative expenses.

40 (a) The Executive Director of the Board shall keep a register
41 of all applicants for State trainee registration or for State
42 licensure or certification as real estate appraisers, showing for
43 each the date of application, name, business or residence
44 address, and whether the registration, license or certificate was

1 granted or refused. The register shall be prima facie evidence of
2 all matters received therein.

3 (b) The Executive Director of the Board shall also keep a
4 current roster showing the names and places of business of all
5 registered trainees and State-licensed and State-certified real
6 estate appraisers, which roster shall be kept on file in the
7 office of the Board and be open to public inspection.

8 (c) On or before the first day of November of each year, the
9 Board shall file with the Secretary of State a copy of the roster
10 of registered trainees and real estate appraisers licensed or
11 certified by the Board and a report containing a complete
12 statement of income received by the Board in connection with the
13 ~~trainee registration and the licensure and certification~~
14 accreditation of real estate trainees and appraisers for the
15 preceding fiscal year ending June 30th, attested by the affidavit
16 of the Executive Director of the Board.

17 (d) In addition to those fees prescribed in this Chapter for
18 making application for and renewing ~~appraiser licenses and~~
19 ~~certificates,~~ accreditation, the Board may collect from
20 applicants and holders of the licenses and certificates and remit
21 to the appropriate agency or instrumentality of the federal
22 government any additional fees as may be required to render North
23 Carolina State-licensed or State-certified appraisers eligible to
24 perform appraisals in connection with federally related
25 transactions as well as an additional fee of twenty dollars
26 (\$20.00) to cover the administrative costs associated therewith.
27 "§ 93E-1-12. Disciplinary action by Board.

28 (a) The Board may take disciplinary action against registered
29 trainees and State-licensed or State-certified real estate
30 appraisers. Upon its own motion or the ~~complaint of any person,~~
31 receipt of a written complaint, the Board may investigate the
32 actions of any person ~~registered as a trainee or licensed or~~
33 ~~certified as a real estate appraiser~~ accredited under this
34 Chapter, any person who performs appraisals without ~~an~~
35 ~~appropriate registration, license, or certificate,~~ accreditation
36 under this Chapter, or any person who holds himself or herself
37 out to be ~~registered as a trainee or licensed or certified~~
38 accredited as a real estate appraiser when the person holds no
39 registration, license, or certificate. If the Board finds
40 probable cause to believe that a person ~~registered as a trainee~~
41 ~~or licensed or certified as a real estate appraiser~~ accredited
42 under this Chapter has violated any of the provisions of this
43 Chapter, the Board may hold a hearing on the allegations of
44 misconduct.

- 1 The Board may ~~suspend~~ suspend, reprimand or revoke the
2 ~~registration, license, or certificate~~ accreditation granted to
3 any person under the provisions of this Chapter or ~~reprimand may~~
4 refuse to renew accreditation or require additional education of
5 any registered trainee, licensee, or certificate holder if,
6 following a ~~hearing,~~ hearing, or by consent, the Board finds the
7 ~~registered~~ trainee, licensee, or certificate holder to have:
- 8 (1) ~~Procured registration, licensure, or certification~~
9 accreditation pursuant to this Chapter by making a
10 false or fraudulent representation;
 - 11 (2) Made any willful or negligent misrepresentation or
12 any willful or negligent omission of material fact;
 - 13 (3) Accepted an appraisal assignment when the
14 employment is contingent upon the appraiser
15 reporting a predetermined result, analysis, or
16 opinion, or when the fee to be paid for the
17 performance of the appraisal assignment is
18 contingent upon the opinion, conclusion, or
19 valuation reached or upon consequences resulting
20 from the appraisal assignment;
 - 21 (4) Acted or held himself or herself out as a
22 registered trainee or a State-licensed or State-
23 certified real estate appraiser when not so
24 registered, licensed, or certified;
 - 25 (5) Failed as a State-licensed or State-certified real
26 estate appraiser to immediately, actively and
27 personally ~~personally,~~ supervise ~~any person not~~
28 ~~licensed or certified under this Chapter who~~
29 ~~assists the State-licensed or State-certified real~~
30 ~~estate appraiser in performing real estate~~
31 ~~appraisals;~~ a trainee as provided in G.S. 93E-1-
32 6.1;
 - 33 (6) Failed to make available to the Board for its
34 inspection without prior notice, originals or true
35 copies of all written contracts engaging the
36 person's services to appraise real property, ~~and~~
37 all reports and supporting data assembled and
38 formulated by the appraiser in preparing the
39 ~~reports;~~ reports, and all records required to be
40 kept pursuant to G.S. 93E-1-12(e);
 - 41 (7) Paid a fee or valuable consideration to any person
42 for acts or services performed in violation of this
43 Chapter;

- 1 (8) Acted as a real estate appraiser in an unworthy or
2 incompetent manner as to endanger the interest of
3 the public;
4 (9) Violated any of the standards of practice for real
5 estate appraisers or any other rule promulgated by
6 the Board;
7 (9a) Submitted a check for the payment of fees under
8 this Chapter that is returned unpaid;
9 (10) Performed any other act which constitutes improper,
10 fraudulent, or other dishonest conduct; or
11 (11) Violated any of the provisions of this Chapter.

12 The Executive Director of the Board shall transmit a certified
13 copy of all final orders of the Board suspending or revoking
14 licenses or certificates issued under this Chapter to the clerk
15 of superior court of the county in which the licensee or
16 certificate holder maintains the person's principal place of
17 business. The clerk shall enter these orders upon the judgment
18 docket of the county.

19 (b) Following a hearing, or by consent, the ~~Appraisal~~ Board
20 may also suspend or revoke any ~~registration, license, or~~
21 ~~certificate~~ accreditation issued under the provisions of this
22 Chapter or reprimand any registered trainee, licensee, or
23 certificate holder when:

- 24 (1) The registered trainee, licensee, or certificate
25 holder has been convicted of or has entered a plea
26 of guilty or no contest upon which final judgment
27 is entered by a court of competent jurisdiction in
28 this State, or any other state, to an offense
29 ~~which~~, which involves dishonesty, fraud, or deceit,
30 or, in the discretion of the Board, would
31 reasonably affect the performance of the registered
32 trainee, licensee, or certificate holder in the
33 real estate appraisal business;
34 (2) A final civil judgment has been entered against the
35 registered trainee, licensee, or certificate holder
36 on grounds of fraud, misrepresentation, or deceit
37 in the making of any appraisal of real estate; ~~or~~
38 (3) The registered trainee, licensee, or certificate
39 holder has ~~violated any of the provisions of G.S.~~
40 ~~93E-1-13(a) when appraising his own property.~~ had a
41 real estate trainee registration, or its
42 equivalent, real estate appraiser license or real
43 estate appraiser certification suspended, revoked,

- 1 or denied by a real estate appraiser licensing
2 board in another state;
- 3 (4) The registered trainee, licensee, or certificate
4 holder has had any disciplinary action taken
5 against any other professional license that he or
6 she holds in this state or another state;
- 7 (5) The registered trainee, licensee, or certificate
8 holder has been adjudged mentally incompetent by a
9 court;
- 10 (6) The registered trainee, licensee, or certificate
11 holder has performed any duties of a real estate
12 appraiser, including site inspection and public
13 records checks, while impaired by alcohol or drugs;
14 or
- 15 (7) The registered trainee, licensee, or certificate
16 holder has violated any of the provisions of G.S.
17 93E-1-13(a) when appraising property owned by him
18 or her.
- 19 A registered trainee, licensee, or certificate holder shall
20 report any event described in subsections (b)(1) through (5) to
21 the Board within 60 days of a final order or judgment or of the
22 occurrence of the event.
- 23 (c) When a person ~~registered as a trainee or licensed or~~
24 ~~certified as a real estate appraiser~~ accredited under this
25 Chapter is accused of any act, omission, or misconduct which
26 would subject the person to disciplinary action, the registered
27 trainee, licensee, or certificate holder, with the consent and
28 approval of the Board, may surrender his or her registration,
29 license, or certificate and all the rights and privileges
30 pertaining to it for a period of time established by the Board. A
31 person who surrenders his or her registration, license, or
32 certificate shall not thereafter be eligible for or submit any
33 application for ~~registration, licensure, or certification~~
34 accreditation as a real estate appraiser during the period that
35 the registration, license, or certificate is surrendered.
- 36 (d) The Board shall have the power to issue subpoenas
37 requiring the attendance of persons and the production of papers
38 and records before the Board in any hearing, investigation,
39 inquiry, or other proceeding conducted by it. Upon the production
40 of any papers, records, or documents, the Board shall have the
41 power to authorize true copies thereof to be substituted in the
42 permanent record of the matter in which the books, records, or
43 documents shall have been introduced in evidence.

1 (e) Each person accredited under this Chapter shall maintain
2 records showing compliance with the provisions of this Chapter
3 and any rules adopted by the Board.

4 "§ 93E-1-12.1. Investigations and complaints.

5 (a) Records, papers, and other documents containing information
6 received, collected, or compiled by the Board, its members or
7 employees as a result of a complaint or investigation, shall not
8 be considered public records within the meaning of Chapter 132 of
9 the General Statutes. Any statement of charges contained within
10 a notice of a hearing to be held by the Board is a public record,
11 even though it may contain information collected and compiled as
12 a result of a complaint or investigation against a trainee,
13 licensee, certificate holder, or an applicant. Any record,
14 paper, or other document admitted into evidence in a hearing held
15 by the Board and any final decisions and orders by the Board,
16 including consent orders, shall be public records within the
17 meaning of Chapter 132 of the General Statutes.

18 (b) The Board may periodically and without prior notice inspect
19 records maintained pursuant to G.S. 93E-1-12(e), and may inspect
20 such records if the Board determines they are pertinent to an
21 investigation conducted by the Board.

22 (c) Any person making a complaint against a trainee, licensee,
23 or certificate holder or against a course sponsor shall be immune
24 from criminal prosecution or civil liability resulting therefrom
25 unless the person knew the complaint was false or acted in
26 reckless disregard of the veracity of the complaint.

27 (d) Board employees while acting within the scope of their
28 administrative and investigative duties are exempt from the
29 standards of practice under the provisions of this Chapter.

30 (e) The Board may also dismiss a complaint, accept a consent
31 order, or hold a hearing or accept a voluntary surrender of
32 registration, licensure, or certification under the provisions of
33 this Chapter.

34 "§ 93E-1-13. Penalty for violation of this Chapter.

35 (a) Any person who acts as, or holds himself or herself out to
36 be, a registered trainee or a State-licensed or State-certified
37 real estate appraiser without first obtaining a registration,
38 license, or certificate as provided in this Chapter, or who
39 willfully performs the acts specified in G.S. 93E-1-12(a)(1)
40 through (10), shall be guilty of a Class 1 misdemeanor.

41 (b) The Board may appear in its own name in superior court in
42 actions for injunctive relief to prevent any person from
43 violating the provisions of this Chapter or the rules promulgated
44 by the Board. The superior court shall have the power to grant

1 these injunctions whether or not criminal prosecution has been or
2 may be instituted as a result of the violations, and whether or
3 not the person is the holder of a license registration, license,
4 or certificate issued by the Board under this Chapter.

5 "§ 93E-1-14. Referral of cases by courts.

6 Whenever any registered trainee, licensee, or certificate
7 holder is adjudged by a civil or criminal court to have injured
8 or damaged any person, partnership, association, or corporation
9 through gross negligence, ~~incompetency,~~ incompetence, fraud,
10 dishonesty, or other civil or criminal misconduct, the court may,
11 as part of its judgment or decree, order a written copy of the
12 transcript of the record in said case to be forwarded by the
13 clerk of court to the Board with a recommendation that the
14 registration, license, or certificate of the registered trainee,
15 licensee, or certificate holder be revoked or otherwise subject
16 to disciplinary action."

17 Section 2. This act is effective when it becomes law.

**2000 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES**

The following report(s) from standing committee(s) is/are presented:

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

- Committee Substitute for
S.J.R. 819 A JOINT RESOLUTION HONORING THE LIFE AND MEMORY OF
WILMER DAVID "VINEGAR BEND" MIZELL, FORMER NORTH CAROLINA
CONGRESSMAN.
- With a favorable report.
- With a favorable report and recommendation that the bill be re-referred to the Committee on
Appropriations Finance .
- With a favorable report, as amended.
- With a favorable report, as amended, and recommendation that the bill be re-referred to the
Committee on Appropriations Finance .
- With a favorable report as to committee substitute bill (#), which changes the title,
unfavorable as to (original bill) (Committee Substitute Bill #), (and recommendation
that the committee substitute bill #) be re-referred to the Committee on .)
- With a favorable report as to House committee substitute bill (#), which changes
the title, unfavorable as to Senate committee substitute bill.
- With an unfavorable report.
- With recommendation that the House concur.
- With recommendation that the House do not concur.
- With recommendation that the House do not concur; request conferees.
- With recommendation that the House concur; committee believes bill to be material.
- With an unfavorable report, with a Minority Report attached.
- Without prejudice.
- With an indefinite postponement report.
- With an indefinite postponement report, with a Minority Report attached.
- With recommendation that it be adopted. (HOUSE RESOLUTION ONLY)

5/25/00

**2000 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES**

The following report(s) from standing committee(s) is/are presented:

By Representative **Culpepper** for the Committee on **Rules, Calendar and Operations of the House.**

Committee Substitute for

H.J.R. 1485 A JOINT RESOLUTION HONORING THE LIFE AND MEMORY OF
THOMAS H. DAVIS.

With a favorable report.

With a favorable report and recommendation that the bill be re-referred to the Committee on
Appropriations Finance .

With a favorable report, as amended.

With a favorable report, as amended, and recommendation that the bill be re-referred to the
Committee on Appropriations Finance .

With a favorable report as to committee substitute bill (#), which changes the title,
unfavorable as to (original bill) (Committee Substitute Bill #), (and recommendation
that the committee substitute bill #) be re-referred to the Committee on .)

With a favorable report as to House committee substitute bill (#), which changes
the title, unfavorable as to Senate committee substitute bill.

With an unfavorable report.

With recommendation that the House concur.

With recommendation that the House do not concur.

With recommendation that the House do not concur; request conferees.

With recommendation that the House concur; committee believes bill to be material.

With an unfavorable report, with a Minority Report attached.

Without prejudice.

With an indefinite postponement report.

With an indefinite postponement report, with a Minority Report attached.

With recommendation that it be adopted. (HOUSE RESOLUTION ONLY)

5/25/00

**2000 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES**

The following report(s) from standing committee(s) is/are presented:

By Representative(s) **Culpepper** for the Committee on **Rules, Calendar and Operations of the House.**

Senate Committee Substitute for

H.B. 973 A BILL TO BE ENTITLED AN ACT TO MAKE CHANGES TO THE
GENERAL STATUTES ALLOWING A SUPERIOR COURT JUDGE TO PERFORM
MARRIAGE CEREMONIES.

- With a favorable report.
- With a favorable report and recommendation that the bill be re-referred to the Committee on
Appropriations Finance .
- With a favorable report, as amended.
- With a favorable report, as amended, and recommendation that the bill be re-referred to the
Committee on Appropriations Finance .
- With a favorable report as to committee substitute bill (#), which changes the title,
unfavorable as to (original bill) (Committee Substitute Bill #), (and recommendation
that the committee substitute bill #) be re-referred to the Committee on .)
- With a favorable report as to House committee substitute bill (#), which changes
the title, unfavorable as to Senate committee substitute bill.
- With an unfavorable report.
- With recommendation that the House concur.
- With recommendation that the House do not concur.
- With recommendation that the House do not concur; request conferees.
- With recommendation that the House concur; committee believes bill to be material.
- With an unfavorable report, with a Minority Report attached.
- Without prejudice.
- With an indefinite postponement report.
- With an indefinite postponement report, with a Minority Report attached.
- With recommendation that it be adopted. (HOUSE RESOLUTION ONLY)

5/25/00

**2000 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES**

The following report(s) from standing committee(s) is/are presented:

By Representative(s) **Culpepper** for the Committee on **Rules, Calendar and Operations of the House.**

Committee Substitute for

H.B. 1519 A BILL TO BE ENTITLED AN ACT TO ESTABLISH THE JOINT LEGISLATIVE OVERSIGHT COMMITTEE ON MENTAL HEALTH, DEVELOPMENTAL DISABILITIES, AND SUBSTANCE ABUSE SERVICES, AND TO DIRECT THE OVERSIGHT COMMITTEE TO DEVELOP A PLAN TO REFORM THE STATE SYSTEM FOR MENTAL HEALTH, DEVELOPMENTAL DISABILITIES, AND SUBSTANCE ABUSE SERVICES.

With a favorable report.

With a favorable report and recommendation that the bill be re-referred to the Committee on Appropriations Finance .

With a favorable report, as amended.

With a favorable report, as amended, and recommendation that the bill be re-referred to the Committee on Appropriations Finance .

With a favorable report as to committee substitute bill (#), which changes the title, unfavorable as to (original bill) (Committee Substitute Bill #), (and recommendation that the committee substitute bill #) be re-referred to the Committee on .)

With a favorable report as to House committee substitute bill (#), which changes the title, unfavorable as to Senate committee substitute bill.

With an unfavorable report.

With recommendation that the House concur.

With recommendation that the House do not concur.

With recommendation that the House do not concur; request conferees.

With recommendation that the House concur; committee believes bill to be material.

With an unfavorable report, with a Minority Report attached.

Without prejudice.

With an indefinite postponement report.

With an indefinite postponement report, with a Minority Report attached.

With recommendation that it be adopted. (HOUSE RESOLUTION ONLY)

5/25/00

**2000 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES**

The following report(s) from standing committee(s) is/are presented:

By Representative **Culpepper** for the Committee on **Rules, Calendar and Operations of the House.**

Committee Substitute for

S.B. 109 A BILL TO BE ENTITLED AN ACT TO REQUIRE MORE SPECIFIC DISCLOSURE OF LOBBYING.

- With a favorable report.
- With a favorable report and recommendation that the bill be re-referred to the Committee on Appropriations Finance .
- With a favorable report, as amended.
- With a favorable report, as amended, and recommendation that the bill be re-referred to the Committee on Appropriations Finance .
- With a favorable report as to House committee substitute bill, unfavorable as to original bill.
- With a favorable report as to House committee substitute bill (#), which changes the title, unfavorable as to Senate committee substitute bill.
- With an unfavorable report.
- With recommendation that the House concur.
- With recommendation that the House do not concur.
- With recommendation that the House do not concur; request conferees.
- With recommendation that the House concur; committee believes bill to be material.
- With an unfavorable report, with a Minority Report attached.
- Without prejudice.
- With an indefinite postponement report.
- With an indefinite postponement report, with a Minority Report attached.
- With recommendation that it be adopted. (HOUSE RESOLUTION ONLY)

5/25/00

**2000 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES**

The following report(s) from standing committee(s) is/are presented:

By Representative(s) **Culpepper** for the Committee on Rules, Calendar and Operations of the House.

- Committee Substitute for
S.B. 595 A BILL TO BE ENTITLED AN ACT TO AMEND THE LAWS REGULATING
REAL ESTATE APPRAISERS.
- With a favorable report.
- With a favorable report and recommendation that the bill be re-referred to the Committee on Appropriations Finance .
- With a favorable report, as amended.
- With a favorable report, as amended, and recommendation that the bill be re-referred to the Committee on Appropriations Finance
- Without prejudice as to House committee substitute bill x which changes the title, unfavorable as to Senate Committee Substitute Bill and recommendation that the House committee substitute bill be-referred to the Committee on Judiciary 1.
- With a favorable report as to House committee substitute bill (#), which changes the title, unfavorable as to Senate committee substitute bill.
- With an unfavorable report.
- With recommendation that the House concur.
- With recommendation that the House do not concur.
- With recommendation that the House do not concur; request conferees.
- With recommendation that the House concur; committee believes bill to be material.
- With an unfavorable report, with a Minority Report attached.
- Without prejudice.
- With an indefinite postponement report.
- With an indefinite postponement report, with a Minority Report attached.
- With recommendation that it be adopted. (HOUSE RESOLUTION ONLY)

5/25/00

Name

Firm

Mel Black

NE Appraisal Board

Margaret Westbrook

NCBA

Shannon Vickery

UNL-TV

SHANNON BALDWIN

TOWN OF BANNER LK

Lori Ann Harris

L Harris & Assoc

Alfred Cleps

NCAS

Amy Jo Bain

NCMS

Natalie English

Charlotte Chamber

Ward

Bone & Associates

Tommy

Moore & Van Allen

VISITOR REGISTRATION SHEET

Name of Committee _____

Date _____

VISITORS: PLEASE SIGN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
Robin Huffman	NC Psychiatric Assoc
Mary Eldridge	DHHS - DMA/SAS/SAS
Adam Seuring	NCI-AC
Bennis Hollen	DHHS
Christina Sims	House Intern Skunko's
Mary Kaplan	TWPNC
Mali A. Smith	NC SA
Janet Sorampan	NC Council
Beth Melchior	NAMT NC
Sally Cameron	NC Psychological
John Long	Martin Marshall
Angie Powell	ASSE
Steni McCles	McCles Consulting
STAN SLAWINSKI	DD SECTION (MA/DO/SAS)
Sona Shandilya	NCCADV
Amanda Abrams	Covenant w/ NC's children
Jonathan Horowitz	ACLU-NC
April Carson	ACLU-NC
Jeff Lewis	ACLU-NC
Allan Spadar	NC Council of Community Programs
Ann Whitpatrick	Wake County
ALGH TIVSON	NCTA
Stewart	NCAHP
Dennis Roberts	City of Lexington
Joe Donovan	NAMI-NC
Bob Hedrick	N.C. Community Support Providers Council
Stephanie Mansour	NC ASSOC. of Realtors
Gene Keene	NC Medical Society
Spencer Phillips	NC STATE AUDITOR
Mae Upward	CPE

MINUTES OF THE COMMITTEE ON RULES, CALENDAR AND OPERATIONS OF
THE HOUSE

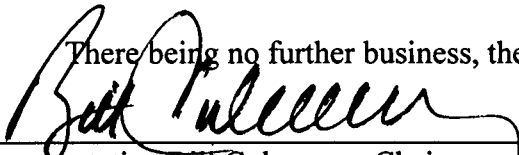
June 21, 2000

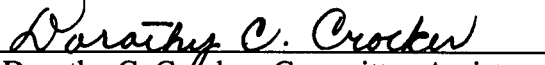
The Committee on Rules, Calendar and Operations of the House met on June 21, 2000 at 5:00 p.m. in Room 421 of the Legislative Office Building. The following members were present: Representatives Culpepper, Chairman; Hackney, Vice Chairman; Alexander, Allen, Crawford, Gulley, Luebke, McCombs, Michaux, Nye, Tolson, Wood Yongue, and ex officio members Baddour, Majority Leader, and Cunningham.

The following bill was discussed:

Committee Substitute for House Bill 1537-AN ACT TO PROVIDE FOR THE PROMPT PAYMENT OF CLAIMS UNDER HEALTH BENEFIT PLANS AND TO MAKE CONFORMING AMENDMENTS TO RELATED CLAIM PAYMENT LAWS. A proposed committed substitute changing the title to AN ACT TO PROVIDE FOR THE PROMPT PAYMENT OF CLAIMS UNDER HEALTH BENEFIT PLANS, TO MAKE CONFORMING AMENDMENTS TO RELATED CLAIM PAYMENT LAWS, TO PROVIDE STANDARDS FOR THE ESTABLISHMENT AND MAINTENANCE OF EXTERNAL REVIEW PROCEDURES IN HEALTH INSURANCE AND MANAGED CARE TO ASSURE THAT COVERED PERSONS HAVE THE OPPORTUNITY FOR AN INDEPENDENT REVIEW OF A HEALTH BENEFIT PLAN COVERAGE DECISION MADE BY THE INSURER OR MANAGED CARE PLAN; AND TO MAKE CONFORMING AMENDMENTS TO EXISTING LAWS ON UTILIZATION REVIEW AND GRIEVANCES was offered, and Representative Allen moved for adoption of the proposed committee substitute for purposes of discussion. Without objection, it was so ordered. Representative Nye, bill sponsor, was recognized to explain the proposed committee substitute. He stated that the proposed committee substitute is a consumer bill consisting of two parts - prompt pay and external review/managed care. A bill summary and an explanation of external grievance review procedures are attached herewith. Bill Hale and Barbara Burke from the Department of Insurance were recognized and gave in depth explanations of the bill. Following questions by members of the committee, Representative Hackney moved that the proposed committee substitute be given a favorable report, unfavorable as to the original bill. The motion passed.

There being no further business, the meeting adjourned at 5:45 p.m.


Representative Bill Culpepper, Chairman


Dorothy C. Crocker, Committee Assistant

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1999

H

D

HOUSE BILL 1537*
Proposed Committee Substitute H1537-PCSSV-005

Short Title: Prompt Pay/Patient Protection.

(Public)

Sponsors:

Referred to:

May 16, 2000

1 A BILL TO BE ENTITLED
2 AN ACT TO PROVIDE FOR THE PROMPT PAYMENT OF CLAIMS UNDER HEALTH
3 BENEFIT PLANS, TO MAKE CONFORMING AMENDMENTS TO RELATED CLAIM
4 PAYMENT LAWS, TO PROVIDE STANDARDS FOR THE ESTABLISHMENT AND
5 MAINTENANCE OF EXTERNAL REVIEW PROCEDURES IN HEALTH INSURANCE
6 AND MANAGED CARE TO ASSURE THAT COVERED PERSONS HAVE THE
7 OPPORTUNITY FOR AN INDEPENDENT REVIEW OF A HEALTH BENEFIT PLAN
8 COVERAGE DECISION MADE BY THE INSURER OR MANAGED CARE PLAN; AND
9 TO MAKE CONFORMING AMENDMENTS TO EXISTING LAWS ON UTILIZATION
10 REVIEW AND GRIEVANCES.

11 The General Assembly of North Carolina enacts:

12 PART I. PROMPT PAY.

13 Section 1. Article 3 of Chapter 58 of the General
14 Statutes is amended by adding new sections to read:

15 "§ 58-3-225. Prompt claim payments under health benefit plans.

16 (a) As used in this section:

17 (1) 'Health benefit plan' means an accident and health
18 insurance policy or certificate; a nonprofit
19 hospital or medical service corporation contract; a
20 health maintenance organization subscriber
21 contract; a plan provided by a multiple employer
22 welfare arrangement; or a plan provided by another
23 benefit arrangement, to the extent permitted by the

1 Employee Retirement Income Security Act of 1974, as
2 amended, or by any waiver of or other exception to
3 that act provided under federal law or regulation.
4 'Health benefit plan' does not mean any plan
5 implemented or administered by the North Carolina
6 or United States Department of Health and Human
7 Services, or any successor agency, or its
8 representatives. 'Health benefit plan' also does
9 not mean any of the following kinds of insurance:

- 10 a. Credit.
11 b. Disability income.
12 c. Coverage issued as a supplement to liability
13 insurance.
14 d. Hospital income or indemnity.
15 e. Insurance under which benefits are payable
16 with or without regard to fault and that is
17 statutorily required to be contained in any
18 liability policy or equivalent self-insurance.
19 f. Long-term or nursing home care.
20 g. Medical payments under motor vehicle or
21 homeowners' insurance policies.
22 h. Medicare supplement.
23 i. Short-term limited duration health insurance
24 policies as defined in Part 144 of Title 45 of
25 the Code of Federal Regulations.
26 j. Workers' compensation.

27 (2) 'Claimant' includes a health care provider or
28 facility that is responsible under contract with
29 the insurer or by valid assignment of benefits for
30 directly making the claim with an insurer, an
31 insured, or an insured's legal representative.

32 (3) 'Health care facility' means a facility that is
33 licensed under Chapter 131E or Chapter 122C of the
34 General Statutes or is owned or operated by the
35 State of North Carolina in which health care
36 services are provided to patients.

37 (4) 'Health care provider' means an individual who is
38 licensed, certified, or otherwise authorized under
39 Chapter 90 of the General Statutes to provide
40 health care services in the ordinary course of
41 business or practice of a profession or in an
42 approved education or training program.

43 (5) 'Insurer' includes an insurance company subject to
44 this Chapter, a service corporation organized under

1 Article 65 of this Chapter, a health maintenance
2 organization organized under Article 67 of this
3 Chapter, or a multiple employer welfare arrangement
4 subject to Article 49 of this Chapter, that writes
5 a health benefit plan.

6 (b) An insurer shall, within 30 days after receipt of a claim,
7 send by electronic or paper mail to the claimant:

8 (1) Payment of the claim.

9 (2) Notice of denial of the claim.

10 (3) Notice that the proof of loss is inadequate or
11 incomplete, or

12 (4) Notice that the claim is not submitted on the form
13 required by the health benefit plan, by the
14 contract between the insurer and health care
15 provider or health care facility, or by applicable
16 law.

17 (5) Notice that coordination of benefits information is
18 needed in order to pay the claim.

19 (6) Notice that the claim is pending based on
20 nonpayment of fees or premiums.

21 For purposes of this section, an insurer is presumed to have
22 received a written claim five business days after the claim has
23 been placed first-class postage prepaid in the United States mail
24 and an electronic claim on the day the claim is electronically
25 transmitted.

26 (c) If the claim is denied, the notice shall include the
27 specific good faith reason or reasons for the denial, including,
28 without limitation, coordination of benefits, lack of
29 eligibility, or lack of coverage for the services provided. If
30 the claim is contested or cannot be paid because the proof of
31 loss is inadequate or incomplete, or not paid pending receipt of
32 requested coordination of benefits information, the notice shall
33 contain the specific good faith reason or reasons why the claim
34 has not been paid and an itemization or description of all of the
35 information needed by the insurer to complete the processing of
36 the claim. If all or part of the claim is contested or cannot be
37 paid because of the application of a specific utilization
38 management or medical necessity standard is not satisfied, the
39 notice shall contain that utilization management or medical
40 necessity standard. If the claim is contested or cannot be paid
41 because of nonpayment of premiums, the notice shall contain a
42 statement advising the claimant of the nonpayment of premiums.
43 If a claim is not paid pending receipt of requested coordination
44 of benefits information, the notice shall so specify. If a claim

1 is denied or contested in part, the insurer shall pay the
2 undisputed portion of the claim within 30 days after receipt of
3 the claim and send the notice of the denial or contested status
4 within 30 days after receipt of the claim. If a claim is
5 contested or cannot be paid because the claim was not submitted
6 on the required form, the notice shall contain the required form,
7 if the form is other than a UB or HCFA form, and instructions to
8 complete that form. Upon receipt of additional information
9 requested in its notice to the claimant, the insurer shall
10 continue processing the claim and pay or deny the claim within 30
11 days after receiving the additional information.

12 (d) If an insurer requests additional information under
13 subsection (c) of this section and the insurer does not receive
14 the additional information within 90 days after the request was
15 made, the insurer shall deny the claim and send the notice of
16 denial to the claimant in accordance with subsection (c) of this
17 section. The insurer shall include the specific reason or reasons
18 for denial in the notice, including the fact that information
19 that was requested was not provided. The insurer shall inform
20 the claimant in the notice that the claim will be reopened if the
21 information previously requested is submitted to the insurer
22 within one year after the date of the denial notice closing the
23 claim.

24 (e) In order to facilitate submission of complete claims by
25 providers, insurers shall provide to providers treatment codes
26 and payments applicable to each treatment code used by the
27 insurer to process claims.

28 (f) Health benefit plan claim payments that are not made in
29 accordance with this section shall bear interest at the rate of
30 one and one half (1.5%) percent per month, compounded daily,
31 beginning on the date on which the claim should have been paid.
32 If additional information was requested by the insurer under
33 subsection (b) of this section, interest on health benefit claim
34 payments shall begin to accrue on the 31st day after the insurer
35 received the additional information. A payment is considered
36 made on the date upon which a check, draft, or other valid
37 negotiable instrument is placed in the United States Postal
38 Service in a properly addressed, postpaid envelope, or, if not
39 mailed, on the date of the electronic transfer or other delivery
40 of the payment to the claimant. This subsection does not apply
41 to claims for benefits that are not covered by the health benefit
42 plan; nor does this subsection apply to deductibles, co-payments,
43 or other amounts for which the insurer is not liable.

1 (g) Insurers may require that claims be submitted not less
2 than 180 days after the date of the provision of care to the
3 patient by the health care provider and, in the case of health
4 care provider facility claims, not less than 180 days after the
5 date of the patient's discharge from the facility. Unless
6 otherwise agreed to by the insurer and the claimant, failure to
7 submit a claim within the time required does not invalidate or
8 reduce any claim if it was not reasonably possible for the
9 claimant to file the claim within that time, provided that the
10 claim is submitted as soon as reasonably possible and in no
11 event, except in the absence of legal capacity of the insured,
12 later than one year from the time submittal of the claim is
13 otherwise required.

14 (h) If a claim for which the claimant is a health care
15 provider or health care facility has not been paid within 60 days
16 after receipt of the initial claim, the insurer shall send a
17 claim status report to the insured. Provided, however, that the
18 claims status report is not required during the time an insurer
19 is awaiting information requested under subsection (c) of this
20 section. The report shall indicate that the claim is under
21 review and the insurer is communicating with the health care
22 provider or health care facility to resolve the matter. While a
23 claim remains unresolved, the insurer shall send a claim status
24 report to the insured every 30 days after the previous report was
25 sent.

26 (i) To the extent permitted by the contract between the
27 insurer and the health care provider or health care facility, the
28 insurer may recover overpayments made to the health care provider
29 or health care facility by making demands for refunds and by
30 offsetting future payments. Any such recoveries may also include
31 related interest payments that were made under the requirements
32 of this section. Recoveries by the insurer must be accompanied
33 by the specific reason and adequate information to identify the
34 specific claim. To the extent permitted by the contract between
35 the insurer and the health care provider or health care facility,
36 the health care provider or health care facility may recover
37 underpayments or nonpayments by the insurer by making demands for
38 refunds. Any such recoveries by the health care provider or
39 health care facility of underpayments or nonpayment by the
40 insurer may include applicable interest under this section. The
41 period for which such recoveries may be made may be specified in
42 the contract between the insurer and health care provider or
43 health care facility.

1 (j) Every insurer shall maintain records of its activities
2 under this section, including records of when each claim was
3 received, paid, denied, or pending, and the insurer's review and
4 handling of each claim under this section, as well as
5 documentation sufficient to demonstrate compliance with this
6 section.

7 (k) A violation of this section by an insurer subjects the
8 insurer to the sanctions in G.S. 58-2-70. The authority of the
9 Commissioner under this subsection does not impair the right of a
10 claimant to pursue any other action or remedy available under
11 law.

12 (l) An insurer is not in violation of this section nor subject
13 to interest payments under this section if its failure to comply
14 with this section is caused in material part by (i) the person
15 submitting the claim, or (ii) by matters beyond the insurer's
16 reasonable control, including an act of God, insurrection,
17 strike, fire, or power outages. In addition, an insurer is not
18 in violation of this section or subject to interest payments to
19 the claimant under this section if the insurer has a reasonable
20 basis to believe that the claim was submitted fraudulently and
21 notifies the claimant of the alleged fraud.

22 (m) This section does not apply to claims processed by an
23 insurer on claims adjudication software that was implemented
24 prior to January 1, 1982, provided that the insurer:

25 (1) Verifies with the Commissioner that its claims
26 adjudication software complies with this
27 subsection; and

28 (2) Is implementing a new claims adjudication software
29 system and is proceeding in good faith to move all
30 claims to the new system as soon as possible and in
31 any event no later than December 31, 2002.

32 This subsection expires January 1, 2003.

33 (n) The Commissioner shall adopt rules to implement this
34 section.

35 "§ 58-3-226. Reports on prompt processing.

36 (a) As used in this section, the terms 'insurer' and 'claimant'
37 have the meaning applied in G.S. 58-3-225.

38 (b) An insurer shall file with the Commissioner quarterly
39 reports that contain all of the following:

40 (1) The number and percentage of total claims received
41 by the insurer during the prior quarter.

42 (2) The number and percentage of claims processed in
43 which the claimant was required to submit
44 additional information to facilitate processing.

- 1 (3) The number and percentage of claims in which the
2 claimant was notified that proof of loss was
3 inadequate or incomplete, or notified that the
4 claim was not submitted on the required form.
5 (4) The value and percentage of total claims paid
6 within 30 calendar days of receipt of the claim.
7 (5) The value and percentage of total claims in which
8 the undisputed portion was paid within 30 days of
9 receipt of the claim.
10 (6) The number and percentage of total claims that were
11 denied because the insurer did not receive
12 additional information within 90 days after the
13 request for additional information was made.
14 (7) The number and percentage of total claims paid
15 within 30 calendar days of receipt of additional
16 information from the claimant.
17 (8) The total dollar amount of penalties and interest
18 paid by the insurer pursuant to G.S. 58-3-225.

19 (c) An insurer shall file the reports required by this section
20 on or before the first day of each quarter. The Commissioner
21 shall make the reports available for public inspection
22 immediately upon receipt of the report."

23 Section 2. G.S. 58-3-100(c) reads as rewritten:

24 "(c) The Commissioner may impose a civil penalty under G.S.
25 58-2-70 if an HMO, service corporation, MEWA, or insurer fails to
26 acknowledge a claim within 30 days after receiving written notice
27 of the claim, but only if the notice contains sufficient
28 information for the insurer to identify the specific coverage
29 involved. Acknowledgement of the claim shall be made to the
30 claimant or his legal representative advising that the claim is
31 being investigated; or shall be a payment of the claim; or shall
32 be a bona fide written offer of settlement; or shall be a written
33 denial of the claim. A claimant includes an insured, a health
34 care provider, or a health care facility that is responsible for
35 directly making the claim with an insurer. This subsection does
36 not apply to insurers subject to G.S. 58-3-225."

37 Section 3. G.S. 58-51-15(a)(7) reads as rewritten:

38 "(7) A provision in the substance of the following
39 language:
40 PROOFS OF LOSS: Written proof of loss must be
41 furnished to the insurer at its said office in the
42 case of a claim for loss for which this policy
43 provides any periodic payment contingent upon
44 continuing loss within ~~90~~ 180 days after the

1 termination of the period for which the insurer is
2 liable and in case of a claim for any other loss
3 within ~~90~~ 180 days after the date of such loss.
4 Failure to furnish such proof within the time
5 required shall not invalidate nor reduce any claim
6 if it was not reasonably possible to give proof
7 within such time, provided such proof is furnished
8 as soon as reasonably possible and in no event,
9 except in the absence of legal ~~capacity~~, capacity
10 of the insured, later than one year from the time
11 proof is otherwise required."
12

13 PART II. EXTERNAL REVIEW/MANAGED CARE.

14 Section 4. The title of Article 50 of Chapter 58 of the
15 General Statutes reads as rewritten:

16 "ARTICLE 50.

17 General Accident and Health Insurance Regulations."

18 Section 5. Article 50 of Chapter 58 of the General
19 Statutes is amended as follows:

- 20 (1) By designating G.S. 58-50-1 through G.S. 58-50-45
21 as Part 1 with the heading "Miscellaneous
22 Provisions."
23 (2) By designating G.S. 58-50-50 through G.S. 58-50-64
24 as Part 2 with the heading "PPOs, Utilization
25 Review and Grievances."
26 (3) By designating G.S. 58-50-65 through G.S. 58-50-70
27 as Part 3 with the heading "Scope and Sanctions."
28 (4) By designating G.S. 58-50-75 through G.S. 58-50-95
29 as Part 4 with the heading "Health Benefit Plan
30 External Review."
31 (5) By designating G.S. 58-50-100 through G.S. 58-50-
32 156 as Part 5 with the heading "Small Employer
33 Group Health Insurance Reform."

34 Section 6. G.S. 58-50-151 is recodified as G.S. 58-51-
35 116.

36 Section 7. The prefatory language of G.S. 58-50-61(a)
37 reads as rewritten:

38 "(a) Definitions. -- As used in this ~~section and~~ section, in
39 G.S. 58-50-62, and in Part 4 of this Article, the term:".

40 Section 8. Article 50 of Chapter 58 of the General
41 Statutes is amended by adding a new Part to read:

42 "Part 4. Health Benefit Plan External Review.
43 "§ 58-50-75. Purpose, scope, and definitions."

1 (a) The purpose of this Part is to provide standards for the
2 establishment and maintenance of external review procedures to
3 assure that covered persons have the opportunity for an
4 independent review of a noncertification decision, an appeal
5 decision upholding a noncertification, or a second-level
6 grievance review decision upholding a noncertification, as
7 defined in this Part.

8 (b) This Part applies to all persons that provide or perform
9 utilization review. With respect to second-level grievance
10 review decisions, this Part applies only to second-level
11 grievance review decisions involving noncertification decisions.

12 (c) In addition to the definitions in G.S. 58-50-61(a), as used
13 in this Part:

14 (1) 'Covered benefits' or 'benefits' means those
15 benefits consisting of medical care, provided
16 directly through insurance or otherwise and
17 including items and services paid for as medical
18 care, under the terms of a health benefit plan.

19 (2) 'Disclose' means to release, transfer, or otherwise
20 divulge protected health information to any person
21 other than the individual's health care provider or
22 the individual who is the subject of the protected
23 health information or the individual's legal
24 guardian, including the custodial parent(s) of a
25 minor child.

26 (3) 'Health information' means information or data,
27 whether oral or recorded in any form or medium, and
28 personal facts or information about events or
29 relationships that relates to: the past, present,
30 or future physical, mental, or behavioral health or
31 condition of an individual or a member of the
32 individual's family; the provision of health care
33 services to an individual; or payment for the
34 provision of health care services to an individual.

35 (4) 'Independent review organization' or 'organization'
36 means an entity that conducts independent external
37 reviews of appeals of noncertifications and second-
38 level grievance review decisions.

39 (5) 'Protected health information' means health
40 information that directly identifies an individual
41 who is the subject of the information; or with
42 respect to which there is a reasonable basis to
43 believe that the information could be used to
44 directly identify an individual.

1 (6) 'Valid authorization' means an authorization
2 obtained from an individual or the individual's
3 legal guardian, including a custodial parent of a
4 minor child in writing, electronic, or other form
5 that indicates the individual's consent to the
6 disclosure of protected health information for the
7 purposes set out in G.S. 58-50-77(e).

8 "§ 58-50-76: Reserved for future codification.

9 "§ 58-50-77. Notice of right to external review.

10 (a) An insurer shall notify the covered person in writing of
11 the covered person's right to request an external review and
12 include the appropriate statements and information set forth in
13 this section at the time the insurer sends written notice of:

14 (1) A noncertification decision;

15 (2) An appeal decision under G.S. 58-50-61 upholding a
16 noncertification; and

17 (3) A second-level grievance review decision under G.S.
18 58-50-62 upholding the original noncertification.

19 (b) The insurer shall include in the notice required under
20 subsection (a) of this section:

21 (1) For a notice related to a noncertification
22 decision, a statement informing the covered person
23 that if the covered person has a medical condition
24 where the time frame for completion of an expedited
25 appeal decision under G.S. 58-50-61(1) would
26 reasonably appear to seriously jeopardize the life
27 or health of the covered person or jeopardize the
28 covered person's ability to regain maximum
29 function, the covered person may file a request for
30 an expedited external review under G.S. 58-50-82 at
31 the same time the covered person files a request
32 for an expedited appeal under G.S. 58-50-61(1), but
33 that the organization assigned to conduct the
34 expedited external review will determine whether
35 the covered person shall be required to complete
36 the expedited appeal before conducting the
37 expedited external review;

38 (2) For a notice related to an appeal decision
39 upholding a noncertification under G.S. 58-50-61, a
40 statement informing the covered person that if the
41 covered person has a medical condition where the
42 time frame for completion of an expedited second-
43 level grievance review under G.S. 58-50-62(i) would
44 reasonably appear to seriously jeopardize the life

1 or health of the covered person or jeopardize the
2 covered person's ability to regain maximum
3 function, the covered person may file a request for
4 an expedited external review under G.S. 58-50-82 at
5 the same time the covered person files a request
6 for an expedited second-level grievance review
7 under G.S. 58-50-62(i), but that the organization
8 assigned to conduct the expedited external review
9 will determine whether the covered person shall be
10 required to complete the expedited second-level
11 grievance review before conducting the expedited
12 external review;

13 (3) For a notice related to a final second-level
14 grievance review decision under G.S. 58-50-62, a
15 statement informing the covered person that if the
16 covered person has a medical condition where the
17 time frame for completion of a standard external
18 review under G.S. 58-50-80 would reasonably appear
19 to seriously jeopardize the life or health of the
20 covered person or jeopardize the covered person's
21 ability to regain maximum function, the covered
22 person may file a request for an expedited external
23 review under G.S. 58-50-82; and

24 (4) For a noncertification that concerns an admission,
25 availability of care, continued stay, or health
26 care service for which the covered person received
27 emergency services, but has not been discharged
28 from a facility, a statement informing the covered
29 person that the covered person may request an
30 expedited external review under G.S. 58-50-82.

31 (c) The covered person may file a grievance under the
32 insurer's internal grievance process under G.S. 58-50-61 and G.S.
33 58-50-62, but if the insurer has not issued a written decision to
34 the covered person within 45 days after the date the covered
35 person files the grievance with the insurer and the covered
36 person has not requested or agreed to a delay, the covered person
37 may file a request for external review under G.S. 58-50-80 of
38 this section and shall be considered to have exhausted the
39 insurer's internal grievance process for purposes of G.S. 58-50-
40 79.

41 (d) In addition to the information to be provided under
42 subsections (a) and (b) of this section, the insurer shall
43 include a copy of the description of both the standard and
44 expedited external review procedures the insurer is required to

1 provide under G.S. 58-50-93, including the provisions in the
2 external review procedures that give the covered person the
3 opportunity to submit additional information.

4 (e) An insurer, agent, or contractor that has collected
5 protected health information under a valid authorization under
6 this Part may use and disclose the protected health information
7 to a person acting on behalf of or at the direction of the
8 insurer for the performance of the insurer's insurance functions:
9 claims administration, claims adjustment and management, securing
10 payment, assuring the delivery of health care, fraud
11 investigation, underwriting, loss control, rate-making functions,
12 reinsurance, risk management, case management, disease
13 management, quality assessment, quality improvement, provider
14 credentialing verification, utilization review, peer review
15 activities, grievance procedures, policyholder service functions,
16 and internal administration of compliance, managerial, and
17 information systems. Additional insurance functions may be
18 allowed for the purpose of this subsection with the prior
19 approval of the Commissioner. The protected health information
20 shall not be used or disclosed for any purpose other than those
21 described in this subsection.

22 (f) Except for a request for an expedited external review
23 under G.S. 58-50-82, all requests for external review shall be
24 made in writing to the Commissioner.

25 "§ 58-50-78: Reserved for future codification.

26 "§ 58-50-79. Exhaustion of internal grievance process.

27 (a) Except as provided in subsections (d) through (g) of this
28 section, a request for an external review under G.S. 58-50-80 or
29 G.S. 58-50-82 shall not be made until the covered person has
30 exhausted the insurer's internal grievance process under G.S. 58-
31 50-61 and G.S. 58-50-62.

32 (b) A covered person shall be considered to have exhausted the
33 insurer's internal grievance process for purposes of this
34 section, if the covered person:

35 (1) Has filed a second-level grievance involving a
36 noncertification appeal decision under G.S. 58-50-
37 62; and

38 (2) Except to the extent the covered person requested
39 or agreed to a delay, has not received a written
40 decision on the grievance from the insurer within
41 45 days since the date the covered person filed the
42 grievance with the insurer.

43 (c) Notwithstanding subsection (b) of this section, a covered
44 person may not make a request for an external review of a

1 noncertification involving a retrospective review determination
2 made under G.S. 58-50-61 until the covered person has exhausted
3 the insurer's internal grievance process.

4 (d) At the same time a covered person files a request for an
5 expedited appeal involving a noncertification as set forth in
6 G.S. 58-50-61(1), the covered person may file a request for an
7 expedited external review of the noncertification under G.S. 58-
8 50-82 if the covered person has a medical condition where the
9 time frame for completion of an expedited appeal involving a
10 noncertification set forth in G.S. 58-50-61(1) would reasonably
11 appear to seriously jeopardize the life or health of the covered
12 person or jeopardize the covered person's ability to regain
13 maximum function. An insurer may waive its right to conduct an
14 expedited appeal and allow the covered person to proceed with an
15 expedited external review of the noncertification.

16 (e) Upon receipt of a request for an expedited external review
17 under subsection (d) of this section, the organization conducting
18 the external review in accordance with the provisions of G.S. 58-
19 50-82 shall immediately determine whether the covered person
20 shall be required to complete the expedited appeal set forth in
21 G.S. 58-50-61(1) before it conducts the expedited external
22 review, unless the insurer has waived its right to conduct an
23 expedited review of the appeal decision.

24 (f) Upon a determination made under subsection (e) of this
25 section that the covered person must first complete the expedited
26 appeal process under G.S. 58-50-61(1), the organization
27 immediately shall notify the covered person and the insurer of
28 this determination and that it will not proceed with the
29 expedited external review under G.S. 58-50-82 until completion of
30 the expedited appeal process and the covered person's grievance
31 at the completion of the expedited appeal process remains
32 unresolved.

33 (g) A request for an external review of a noncertification may
34 be made before the covered person has exhausted the insurer's
35 internal grievance procedures under G.S. 58-50-61 and G.S. 58-50-
36 62 whenever the insurer agrees to waive the exhaustion
37 requirement.

38 (h) If the requirement to exhaust the insurer's internal
39 grievance procedures is waived under subsection (g) of this
40 section, the covered person may file a request in writing for a
41 standard external review as set forth in G.S. 58-50-80.

42 "§ 58-50-80. Standard external review.

43 (a) Within 60 days after the date of receipt of a notice of a
44 noncertification appeal decision or a second-level grievance

1 review decision under G.S. 58-50-77, a covered person may file a
2 request for an external review with the Commissioner.

3 (b) Upon receipt of a request for an external review under
4 subsection (a) of this section, the Commissioner immediately
5 shall notify and send a copy of the request to the insurer that
6 made the decision which is the subject of the request. The
7 insurer shall immediately submit to the Commissioner the
8 information required for the preliminary review under subsection
9 (c) of this section.

10 (c) Within five business days after the date of receipt of a
11 request for an external review, the Commissioner shall complete a
12 preliminary review of the request to determine whether:

13 (1) The individual is or was a covered person in the
14 health benefit plan at the time the health care
15 service was requested or, in the case of a
16 retrospective review, was a covered person in the
17 health benefit plan at the time the health care
18 service was provided.

19 (2) The health care service that is the subject of the
20 noncertification appeal decision or the second-
21 level grievance review decision upholding a
22 noncertification reasonably appears to be a covered
23 service under the covered person's health benefit
24 plan.

25 (3) The covered person has exhausted the insurer's
26 internal grievance process under G.S. 58-50-62(i)
27 unless the covered person is not required to
28 exhaust the insurer's internal grievance process
29 under G.S. 58-50-79.

30 (4) The covered person has provided all the information
31 and forms required by the Commissioner that are
32 necessary to process an external review, including
33 the authorization form provided under G.S. 58-50-
34 77(e).

35 (d) Upon completion of the preliminary review under subsection
36 (c) of this section, the Commissioner immediately shall notify
37 the covered person in writing whether the request is complete and
38 whether the request has been accepted for external review.

39 (e) If the request is accepted for external review, the
40 Commissioner shall:

41 (1) Include in the notice provided under subsection (d)
42 of this section a statement that the covered person
43 may submit to the Commissioner in writing within
44 seven days after the date of the notice additional

- 1 information and supporting documentation that the
2 organization shall consider when conducting the
3 external review.
- 4 (2) Immediately notify the insurer in writing of the
5 acceptance of the request for external review.
- 6 (3) Provide the covered person and the covered person's
7 provider with a list of organizations approved
8 under G.S. 58-50-85.
- 9 (4) Inform the covered person that the covered person
10 has the right to select the organization of his or
11 her choice and notify the Commissioner within five
12 days after receipt of the notice, and that if the
13 covered person does not select an organization and
14 inform the Commissioner of the selection within
15 five days after receipt of the notice, the
16 Commissioner will assign an organization to conduct
17 the external review.
- 18 (f) If the request is not complete, the Commissioner shall
19 request from the covered person the information or materials
20 needed to make the request complete. The covered person shall
21 furnish the Commissioner with the requested information or
22 materials within 90 days after the date of the insurer's decision
23 for which external review is requested. If the request is not
24 accepted for external review, the Commissioner shall inform the
25 covered person and the insurer in writing of the reasons for its
26 nonacceptance.
- 27 (g) If the insured does not select an organization of his or
28 her choice and notify the Commissioner of the selection within
29 five days after receipt of the Commissioner's notice under
30 subsection (e) of this section, the Commissioner shall
31 systematically assign an appropriate independent review
32 organization that has been approved under G.S. 58-50-85 to
33 conduct the external review. In reaching a decision, the assigned
34 organization is not bound by any decisions or conclusions reached
35 during the insurer's utilization review process or the insurer's
36 internal grievance process under G.S. 58-50-61 and G.S. 58-50-62.
- 37 (h) Within seven days after the date of receipt of the notice
38 provided under subsection (e) of this section, the insurer or its
39 designee utilization review organization shall provide to the
40 assigned organization the documents and any information
41 considered in making the noncertification appeal decision or the
42 second-level grievance review decision. Except as provided in
43 subsection (i) of this section, failure by the insurer or its
44 designee utilization review organization to provide the documents

1 and information within the time specified in this subsection
2 shall not delay the conduct of the external review.

3 (i) If the insurer or its utilization review organization
4 fails to provide the documents and information within the time
5 specified in subsection (h) of this section, the assigned
6 organization may terminate the external review and make a
7 decision to reverse the noncertification appeal decision or the
8 second-level grievance review decision. Immediately upon making
9 the decision under this subsection, the organization shall notify
10 the covered person, the insurer, and the Commissioner.

11 (j) The assigned organization shall review all of the
12 information and documents received under subsections (h) and (i)
13 of this section and any other information submitted in writing by
14 the covered person under subsection (e) of this section that has
15 been forwarded to the organization by the Commissioner. Upon
16 receipt of any information submitted by the covered person under
17 subsection (e) of this section, at the same time the Commissioner
18 forwards the information to the organization, the Commissioner
19 shall forward the information to the insurer.

20 (k) Upon receipt of the information required to be forwarded
21 under subsection (j) of this section, the insurer may reconsider
22 its noncertification appeal decision or second-level grievance
23 review decision that is the subject of the external review.
24 Reconsideration by the insurer of its noncertification appeal
25 decision or second-level grievance review decision under this
26 subsection shall not delay or terminate the external review. The
27 external review shall be terminated if the insurer decides, upon
28 completion of its reconsideration, to reverse its
29 noncertification appeal decision or second-level grievance review
30 decision and provide coverage or payment for the requested health
31 care service that is the subject of the noncertification appeal
32 decision or second-level grievance review decision.

33 (l) Immediately upon making the decision to reverse its
34 noncertification appeal decision or second-level grievance review
35 decision under subsection (k) of this section, the insurer shall
36 notify the covered person, the organization, and the Commissioner
37 in writing of its decision. The organization shall terminate the
38 external review upon receipt of the notice from the insurer sent
39 under this subsection.

40 (m) In addition to the documents and information provided
41 under subsections (h) and (i) of this section, the assigned
42 organization, to the extent the documents or information are
43 available and the organization considers them appropriate, shall
44 consider the following in reaching a decision:

- 1 (1) The covered person's medical records.
2 (2) The attending health care provider's
3 recommendation.
4 (3) Consulting reports from appropriate health care
5 providers and other documents submitted by the
6 insurer, covered person, or the covered person's
7 treating provider.
8 (4) The terms of coverage under the covered person's
9 health benefit plan with the insurer to ensure that
10 the organization's decision shall not be contrary
11 to the terms of coverage under the covered person's
12 health benefit plan with the insurer.
13 (5) The most appropriate practice guidelines, which may
14 include generally accepted practice guidelines,
15 evidence-based practice guidelines, or any other
16 practice guidelines developed by the federal
17 government, national or professional medical
18 societies, boards, and associations. Local practice
19 guidelines may be used when appropriate.
20 (6) Any applicable clinical review criteria developed
21 and used by the insurer or its designee utilization
22 review organization.
23 (7) Medical necessity, as defined in G.S. 58-3-200(b).
24 (n) Within 45 days after the date of receipt by the
25 Commissioner of the request for external review, the assigned
26 organization shall provide written notice of its decision to
27 uphold or reverse the noncertification appeal decision or second-
28 level grievance review decision to the covered person, the
29 insurer, and the Commissioner.
30 (o) The organization shall include in the notice sent under
31 subsection (n) of this section:
32 (1) A general description of the reason for the request
33 for external review.
34 (2) The date the organization received the assignment
35 from the Commissioner to conduct the external
36 review.
37 (3) The date the organization received information and
38 documents submitted by the covered person and by
39 the insurer.
40 (4) The date the external review was conducted.
41 (5) The date of its decision.
42 (6) The principal reason or reasons for its decision.
43 (7) The clinical rationale for its decision.

- 1 (8) References to the evidence or documentation,
2 including the practice guidelines, considered in
3 reaching its decision.
- 4 (9) The professional qualifications and licensure of
5 the clinical peer reviewers.
- 6 (10) Notice to the covered person that he or she is not
7 liable for the cost of the external review.
- 8 (p) Upon receipt of a notice of a decision under subsection
9 (n) of this section reversing the noncertification appeal
10 decision or second-level grievance review decision, the insurer
11 immediately shall approve the coverage that was the subject of
12 the noncertification appeal decision or second-level grievance
13 review decision.
- 14 "§ 58-50-81: Reserved for future codification.
- 15 "§ 58-50-82. Expedited external review.
- 16 (a) Except as provided in subsection (h) of this section, a
17 covered person may make a request for an expedited external
18 review with the Commissioner at the time the covered person
19 receives:
- 20 (1) A noncertification decision where:
- 21 a. The covered person has a medical condition for
22 which the time frame for completion of an
23 expedited appeal under G.S. 58-50-61(1) would
24 reasonably appear to seriously jeopardize the
25 life or health of the covered person or
26 jeopardize the covered person's ability to
27 regain maximum function; and
- 28 b. The covered person has filed a request for an
29 expedited appeal of a noncertification as set
30 forth in G.S. 58-50-61(1); or
- 31 (2) An appeal decision upholding a noncertification
32 where:
- 33 a. The covered person has a medical condition for
34 which the time frame for completion of an
35 expedited second-level grievance review of a
36 noncertification set forth in G.S. 58-50-62(i)
37 would reasonably appear to seriously
38 jeopardize the life or health of the covered
39 person or jeopardize the covered person's
40 ability to regain maximum function; and
- 41 b. The covered person has filed a request for an
42 expedited second-level grievance review under
43 G.S. 58-50-62(i); or

- 1 (3) A second-level grievance review decision upholding
2 a noncertification under G.S. 58-50-62(h) or (i)
3 where:
4 a. The covered person has a medical condition
5 where the time frame for completion of a
6 standard external review under G.S. 58-50-80
7 would reasonably appear to seriously
8 jeopardize the life or health of the covered
9 person or jeopardize the covered person's
10 ability to regain maximum function; or
11 (4) A noncertification decision that involves an
12 admission, availability of care, continued stay, or
13 health care service for which the covered person
14 received emergency services, but has not been
15 discharged from a facility.
16 (b) At the time the Commissioner receives a request for an
17 expedited external review, the Commissioner immediately shall:
18 (1) Notify and provide a copy of the request to the
19 insurer that made the noncertification decision,
20 the appeal decision involving a noncertification,
21 or the second-level grievance review decision which
22 is the subject of the request.
23 (2) For a request that the Commissioner has determined
24 meets the reviewability requirements set forth in
25 G.S. 58-50-80(c), assign an organization that has
26 been approved under G.S. 58-50-87. The organization
27 shall immediately determine whether the request
28 should be reviewed on an expedited basis because
29 the time frame for completion of a standard
30 external review under G.S. 58-50-80 would seriously
31 jeopardize the life or health of the covered person
32 or would jeopardize the covered person's ability to
33 regain maximum function. The organization shall
34 then inform the covered person, insurer, and
35 Commissioner of its determination and conduct a
36 review and make a decision on the review within the
37 appropriate time frame.
38 (c) In reaching a decision, the assigned organization is not
39 bound by any decisions or conclusions reached during the
40 insurer's utilization review process or internal grievance
41 process under G.S. 58-50-61 and G.S. 58-50-62.
42 (d) At the time the insurer receives the notice under
43 subsection (b) of this section, the insurer or its designee
44 utilization review organization shall immediately provide or

1 transmit all necessary documents and information considered in
2 making the final noncertification decision to the assigned
3 organization electronically or by telephone or facsimile or any
4 other available expeditious method.

5 (e) In addition to the documents and information provided or
6 transmitted under subsection (d) of this section, the assigned
7 organization, to the extent the information or documents are
8 available and the organization considers them appropriate, shall
9 consider the following in reaching a decision:

- 10 (1) The covered person's pertinent medical records.
- 11 (2) The attending health care provider's
12 recommendation.
- 13 (3) Consulting reports from appropriate health care
14 providers and other documents submitted by the
15 insurer, covered person, or the covered person's
16 treating provider.
- 17 (4) The terms of coverage under the covered person's
18 health benefit plan with the insurer to ensure that
19 the organization's decision shall not be contrary
20 to the terms of coverage under the covered person's
21 health benefit plan with the insurer.
- 22 (5) The most appropriate practice guidelines, which may
23 include generally accepted practice guidelines,
24 evidence-based practice guidelines, or any other
25 practice guidelines developed by the federal
26 government, national or professional medical
27 societies, boards, and associations. Local
28 practice guidelines may be used when appropriate.
- 29 (6) Any applicable clinical review criteria developed
30 and used by the insurer or its designee utilization
31 review organization in making noncertification
32 decisions.
- 33 (7) Medical necessity, as defined in G.S. 58-3-200(b).

34 (f) As expeditiously as the covered person's medical condition
35 or circumstances require, but not more than four days after the
36 date of receipt of the request for an expedited external review,
37 the assigned organization shall make a decision to uphold or
38 reverse the noncertification appeal decision or second-level
39 grievance review decision and notify the covered person, the
40 insurer, and the Commissioner of the decision.

41 (g) If the notice provided under subsection (f) of this
42 section was not in writing, within two days after the date of
43 providing that notice, the assigned organization shall provide
44 written confirmation of the decision to the covered person, the

1 insurer, and the Commissioner and include the information set
2 forth in G.S. 58-50-80(o). Upon receipt of the notice, a decision
3 under subsection (f) of this section reversing the
4 noncertification appeal decision or second-level grievance review
5 decision, the insurer immediately shall approve the coverage that
6 was the subject of the noncertification.

7 (h) An expedited external review may not be provided for
8 retrospective noncertifications.

9 "§ 58-50-83: Reserved for future codification.

10 "§ 58-50-84. Binding nature of external review decision.

11 (a) An external review decision is binding on the insurer.

12 (b) An external review decision is binding on the covered
13 person except to the extent the covered person has other remedies
14 available under applicable federal or State law.

15 (c) A covered person may not file a subsequent request for
16 external review involving the same noncertification appeal
17 decision or second-level grievance review decision for which the
18 covered person has already received an external review decision
19 under this Part.

20 "§ 58-50-85. Approval of independent review organizations.

21 (a) The Commissioner shall approve independent review
22 organizations eligible to be assigned to conduct external reviews
23 under this Part to ensure that an organization satisfies the
24 minimum qualifications established under G.S. 58-50-87. The
25 Commissioner shall develop an application form for initially
26 approving and for reapproving organizations to conduct external
27 reviews.

28 (b) Any organization wishing to be approved to conduct
29 external reviews under this Part shall submit the application
30 form and include with the form all documentation and information
31 necessary for the Commissioner to determine if the organization
32 satisfies the minimum qualifications established under G.S. 58-
33 50-87.

34 (c) The Commissioner may, in his discretion, determine that
35 accreditation by a nationally recognized private accrediting
36 entity with established and maintained standards for independent
37 review organizations that meet the minimum qualifications
38 established under G.S. 58-50-87 will cause an independent review
39 organization to be deemed to have met, in whole or in part, the
40 requirements of this section and G.S. 58-50-87. A decision by
41 the Commissioner to recognize an accreditation program for the
42 purpose of granting deemed status may be made only after
43 reviewing the accreditation standards and program information
44 submitted by the accrediting body. An independent review

1 organization seeking deemed status due to its accreditation shall
2 submit original documentation issued by the accrediting body to
3 demonstrate its accreditation.

4 (d) The Commissioner may charge an application fee that
5 independent review organizations shall submit to the Commissioner
6 with an application for approval and reapproval.

7 (e) An approval is effective for two years, unless the
8 Commissioner determines before expiration of the approval that
9 the independent review organization is not satisfying the minimum
10 qualifications established under G.S. 58-50-87.

11 (f) Whenever the Commissioner determines that an independent
12 review organization no longer satisfies the minimum requirements
13 established under G.S. 58-50-87, the Commissioner shall terminate
14 the approval of the independent review organization and remove
15 the independent review organization from the list of independent
16 review organizations approved to conduct external reviews under
17 this Part that is maintained by the Commissioner under subsection
18 (g) of this section.

19 (g) The Commissioner shall maintain and periodically update a
20 list of approved independent review organizations.

21 "§ 58-50-86: Reserved for future codification.

22 "§ 58-50-87. Minimum qualifications for independent review
23 organizations.

24 (a) As a condition of approval under G.S. 58-50-85 to conduct
25 external reviews, an independent review organization shall have
26 and maintain written policies and procedures that govern all
27 aspects of both the standard external review process and the
28 expedited external review process set forth in G.S. 58-50-80 and
29 G.S. 58-50-82 that include, at a minimum:

30 (1) A quality assurance mechanism in place that
31 ensures:

32 a. That external reviews are conducted within the
33 specified time frames and required notices are
34 provided in a timely manner.

35 b. The selection of qualified and impartial
36 clinical peer reviewers to conduct external
37 reviews on behalf of the independent review
38 organization and suitable matching of
39 reviewers to specific cases.

40 c. The confidentiality of medical and treatment
41 records and clinical review criteria.

42 d. That any person employed by or under contract
43 with the independent review organization
44 adheres to the requirements of this Part.

- 1 (2) A toll-free telephone service to receive
2 information on a 24-hour-day, seven-day-a-week
3 basis related to external reviews that is capable
4 of accepting, recording, or providing appropriate
5 instruction to incoming telephone callers during
6 other than normal business hours.
- 7 (3) Agree to maintain and provide to the Commissioner
8 the information set out in G.S. 58-50-90.
- 9 (4) A program for credentialing clinical peer
10 reviewers.
- 11 (5) Agree to contractual terms or written requirements
12 established by the Commissioner regarding the
13 procedures for handling a review.
- 14 (b) All clinical peer reviewers assigned by an independent
15 review organization to conduct external reviews shall be medical
16 doctors or other appropriate health care providers who meet the
17 following minimum qualifications:
- 18 (1) Be an expert in the treatment of the covered
19 person's injury, illness, or medical condition that
20 is the subject of the external review.
- 21 (2) Be knowledgeable about the recommended health care
22 service or treatment through recent or current
23 actual clinical experience treating patients with
24 the same or similar injury, illness, or medical
25 condition of the covered person.
- 26 (3) If the covered person's treating provider is a
27 medical doctor, hold a nonrestricted license from
28 the North Carolina Medical Board and, if a
29 specialist medical doctor, a current certification
30 by a recognized American medical specialty board in
31 the area or areas appropriate to the subject of the
32 external review.
- 33 (4) If the covered person's treating provider is not a
34 medical doctor, hold a nonrestricted North Carolina
35 license, registration, or certification in the same
36 allied health occupation as the covered person's
37 treating provider.
- 38 (5) Have no history of disciplinary actions or
39 sanctions, including loss of staff privileges or
40 participation restrictions, that have been taken or
41 are pending by any hospital, governmental agency or
42 unit, or regulatory body that raise a substantial
43 question as to the clinical peer reviewer's

1 physical, mental, or professional competence or
2 moral character.

3 (c) In addition to the requirements set forth in subsection
4 (a) of this section, an independent review organization may not
5 own or control, be a subsidiary of or in any way be owned or
6 controlled by, or exercise control with a health benefit plan, a
7 national, State, or local trade association of health benefit
8 plans, or a national, State, or local trade association of health
9 care providers.

10 (d) In addition to the requirements set forth in subsections
11 (a), (b), and (c) of this section, to be approved under G.S. 58-
12 50-85 to conduct an external review of a specified case, neither
13 the independent review organization selected to conduct the
14 external review nor any clinical peer reviewer assigned by the
15 independent organization to conduct the external review may have
16 a material professional, familial, or financial conflict of
17 interest with any of the following:

18 (1) The insurer that is the subject of the external
19 review.

20 (2) The covered person whose treatment is the subject
21 of the external review or the covered person's
22 authorized representative.

23 (3) Any officer, director, or management employee of
24 the insurer that is the subject of the external
25 review.

26 (4) The health care provider, the health care
27 provider's medical group, or independent practice
28 association recommending the health care service or
29 treatment that is the subject of the external
30 review.

31 (5) The facility at which the recommended health care
32 service or treatment would be provided.

33 (6) The developer or manufacturer of the principal
34 drug, device, procedure, or other therapy being
35 recommended for the covered person whose treatment
36 is the subject of the external review.

37 (e) In determining whether an independent review organization
38 or a clinical peer reviewer of the independent review
39 organization has a material professional, familial, or financial
40 conflict of interest for purposes of subsection (d) of this
41 section, the Commissioner shall take into consideration
42 situations where the independent review organization to be
43 assigned to conduct an external review of a specified case or a
44 clinical peer reviewer to be assigned by the independent review

1 organization to conduct an external review of a specified case
2 may have an apparent professional, familial, or financial
3 relationship or connection with a person described in subsection
4 (d) of this section, but that the characteristics of that
5 relationship or connection are such that they are not a material
6 professional, familial, or financial conflict of interest that
7 results in the disapproval of the independent review organization
8 or the clinical peer reviewer from conducting the external
9 review.

10 "§ 58-50-88: Reserved for future codification.

11 "§ 58-50-89. Hold harmless for independent review organizations.

12 No independent review organization or clinical peer reviewer
13 working on behalf of an organization shall be liable in damages
14 to any person for any opinions rendered during or upon completion
15 of an external review conducted under this Part, unless the
16 opinion was rendered in bad faith or involved gross negligence.

17 "§ 58-50-90. External review reporting requirements.

18 (a) An organization assigned under G.S. 58-50-80 or G.S. 58-
19 50-82 to conduct an external review shall maintain written
20 records in the aggregate and by insurer on all requests for
21 external review for which it conducted an external review during
22 a calendar year and submit a report to the Commissioner, as
23 required under subsection (b) of this section.

24 (b) Each organization required to maintain written records on
25 all requests for external review under subsection (a) of this
26 section for which it was assigned to conduct an external review
27 shall submit to the Commissioner, at least annually, a report in
28 the format specified by the Commissioner.

29 (c) The report shall include in the aggregate and for each
30 insurer:

- 31 (1) The total number of requests for external review.
32 (2) The number of requests for external review resolved
33 and, of those resolved, the number resolved
34 upholding the noncertification appeal decision or
35 second-level grievance review decision and the
36 number resolved reversing the noncertification
37 appeal decision or second-level grievance review
38 decision.
39 (3) The average length of time for resolution.
40 (4) A summary of the types of coverages or cases for
41 which an external review was sought, as provided in
42 the format required by the Commissioner.
43 (5) The number of external reviews under G.S. 58-50-
44 80(k) and (l) that were terminated as the result of

1 a reconsideration by the insurer of its
2 noncertification appeal decision or second-level
3 grievance review decision after the receipt of
4 additional information from the covered person.

5 (6) Any other information the Commissioner may request
6 or require.

7 (d) The organization shall retain the written records required
8 under this section for at least three years.

9 (e) Each insurer shall maintain written records in the
10 aggregate and for each type of health benefit plan offered by the
11 insurer on all requests for external review of which the insurer
12 receives notice from the Commissioner under this Part. The
13 insurer shall retain the written records required under this
14 section for at least three years.

15 "§ 58-50-91: Reserved for future codification.

16 "§ 58-50-92. Funding of external review.

17 The insurer against which a request for a standard external
18 review or an expedited external review is filed shall reimburse
19 the Department of Insurance for the fees charged by the
20 organization in conducting the external review.

21 "§ 58-50-93. Disclosure requirements.

22 (a) Each insurer shall include a description of the external
23 review procedures in or attached to the policy, certificate,
24 membership booklet, outline of coverage, or other evidence of
25 coverage it provides to covered persons.

26 (b) The description required under subsection (a) of this
27 section shall include a statement that informs the covered person
28 of the right of the covered person to file a request for an
29 external review of a noncertification appeal decision or a
30 second-level grievance review decision upholding a
31 noncertification with the Commissioner. The statement shall
32 include the telephone number and address of the Commissioner.

33 (c) In addition to subsection (b) of this section, the
34 statement shall inform the covered person that, when filing a
35 request for an external review, the covered person will be
36 required to authorize the release of any medical records of the
37 covered person that may be required to be reviewed for the
38 purpose of reaching a decision on the external review.

39 "§ 58-50-94. Competitive selection of independent review
40 organizations.

41 (a) The Commissioner shall prepare and publish requests for
42 proposals from independent review organizations that want to be
43 approved under G.S. 58-50-85. All proposals shall be sealed. The
44 Commissioner shall open all proposals in public.

1 (b) After the public opening, the Commissioner shall review
2 the proposals, examining the costs and quality of the services
3 offered by the independent review organizations, the reputation
4 and capabilities of the independent review organizations
5 submitting the proposals, and the provisions in G.S. 58-50-85 and
6 G.S. 58-50-87. The Commissioner shall determine which proposal
7 or proposals would satisfy the provisions of this Part. The
8 Commissioner shall make his determination in consultation with an
9 evaluation committee whose membership includes representatives of
10 insurers subject to Part 4 of Article 50 of Chapter 58 of the
11 General Statutes, health care providers, and insureds. In
12 selecting the review organizations, in addition to considering
13 cost, quality, and adherence to the requirements of the request
14 for proposals, the Commissioner shall consider the desirability
15 and feasibility of contracting with multiple review organizations
16 in order to allow insureds a choice of review organizations and
17 shall ensure that at least one review organization is available
18 to and capable of reviewing cases involving highly specialized
19 services and treatments of any nature. The Commissioner may
20 reject any or all proposals.

21 (c) An independent review organization may seek to modify or
22 withdraw a proposal only after the public opening and only on the
23 basis that the proposal contains an unintentional clerical error
24 as opposed to an error in judgment. An independent review
25 organization seeking to modify or withdraw a proposal shall
26 submit to the Commissioner a written request, with facts and
27 evidence in support of its position, before the determination
28 made by the Commissioner under subsection (b) of this section,
29 but not later than two days after the public opening of the
30 proposals. The Commissioner shall promptly review the request,
31 examine the nature of the error, and determine whether to permit
32 or deny the request.

33 (d) The provisions of Article 3C of Chapter 143 of the General
34 Statutes do not apply to this Part."

35 Section 9. G.S. 58-50-61(a)(13) reads as rewritten:

36 "(13) 'Noncertification' means a determination by an
37 insurer or its designated utilization review
38 organization that an admission, availability of
39 care, continued stay, or other health care service
40 has been reviewed and, based upon the information
41 provided, does not meet the insurer's requirements
42 for medical necessity, appropriateness, health
43 care setting, level of care or effectiveness, or
44 does not meet the prudent layperson standard for

1 coverage of emergency services in G.S. 58-3-190,
2 and the requested service is therefore denied,
3 reduced, or terminated. A 'noncertification' is
4 not a decision rendered solely on the basis that
5 the health benefit plan does not provide benefits
6 for the health care service in question, if the
7 exclusion of the specific service requested is
8 clearly stated in the certificate of coverage. A
9 'noncertification' includes any situation in which
10 an insurer or its designated agent makes an
11 evaluation or review of medical information about
12 a covered person's condition to determine whether
13 a requested treatment is experimental,
14 investigational, or cosmetic and the extent to
15 which coverage under the health benefit plan is
16 affected by that decision."

17 Section 10. G.S. 58-50-61(a)(17)g. reads as rewritten:

18 "g. Retrospective review. -- Utilization review of
19 medically necessary services and supplies that
20 is conducted after services have been provided
21 to a patient, but not the review of a claim
22 that is limited to an evaluation of
23 reimbursement levels, veracity of
24 documentation, accuracy of coding, or
25 adjudication for payment. Retrospective
26 review includes the review of claims for
27 emergency services to determine whether the
28 prudent layperson standard in G.S. 58-3-190
29 has been met."

30 Section 11. G.S. 58-50-61(i) reads as rewritten:

31 "(i) Requests for Informal Reconsideration. -- An insurer may
32 establish procedures for informal reconsideration of
33 noncertifications and if established, such procedures shall be in
34 writing. The reconsideration shall be conducted between the
35 covered person's provider and a medical doctor licensed to
36 practice medicine in this State designated by the ~~insurer~~
37 insurer, after a written notice of noncertification has been
38 issued in accordance with subsection (h) of this section. An
39 insurer shall not require a covered person to participate in an
40 informal reconsideration before the covered person may appeal a
41 noncertification under subsection (j) of this section. If, after
42 informal reconsideration the insurer upholds the noncertification
43 decision, the insurer shall issue a new notice in accordance with
44 subsection (h) of this section. If the insurer is unable to

1 render an informal reconsideration decision in fewer than 10
2 business days, it shall treat the request for informal
3 reconsideration as a request for an appeal, except that the
4 requirements of subsection (k) of this section shall apply on or
5 before the 10th business day after receipt of the request for an
6 informal reconsideration."

7 Section 12. G.S. 58-50-62 is amended by adding a new
8 subsection to read:

9 "(b1) Informal Consideration of Grievances. -- If the insurer
10 provides procedures for informal considerations of grievances,
11 the procedures shall be in writing and the following requirements
12 apply:

13 (1) If the grievance concerns a clinical issue and the
14 informal consideration decision is not in favor of
15 the covered person, the insurer shall treat the
16 request as a request for a first-level grievance
17 review, except that the requirements of subdivision
18 (e)(1) of this section shall apply on the 10th
19 business day after receipt of the grievance.

20 (2) If the grievance concerns a nonclinical issue and
21 the informal consideration decision is not in favor
22 of the covered person, the insurer shall issue a
23 written decision that includes the information set
24 forth in G.S. 58-50-62(c).

25 (3) If the insurer is unable to render an informal
26 consideration decision within 10 business days of
27 receipt of the grievance, the insurer shall treat
28 the request as a request for a first-level
29 grievance review, except that the requirements of
30 subdivision (e)(1) of this section shall apply on
31 the 10th business day after receipt of the
32 grievance."

33 Section 13. G.S. 58-50-61(k)(5) reads as rewritten:

34 "(5) A statement advising the covered person of the
35 covered person's right to request a second-level
36 grievance review and a description of the procedure
37 for submitting a second-level grievance under ~~G.S.~~
38 ~~58-50-62~~ G.S. 58-50-62 if the insurer's decision
39 on the appeal is to uphold its noncertification."

40 Section 14. G.S. 58-50-62(e)(2)e. reads as rewritten:

41 "e. A statement advising the covered person of his
42 or her right to request a second-level
43 grievance review and a description of the
44 procedure for submitting a second-level

1 grievance under this ~~section~~ section if the
2 insurer's decision on the first-level
3 grievance review is not in favor of the
4 covered person."

5 Section 15. G.S. 58-50-62(h)(7) reads as rewritten:

6 "(7) A statement that the decision is the insurer's
7 final determination in the matter. In cases where
8 the review concerned a noncertification and the
9 insurer's decision on the second-level grievance
10 review is to uphold its initial noncertification, a
11 statement advising the covered person of his or her
12 right to request an external review and a
13 description of the procedure for submitting a
14 request for external review to the Commissioner of
15 Insurance."

16 Section 16. Article 3 of Chapter 58 of the General
17 Statutes is amended by adding a new section to read:

18 "§ 58-3-227. Provider directories.

19 (a) As used in this section, 'updated directory information'
20 means the current participation status of a provider, information
21 known to the insurer indicating that a provider is not currently
22 accepting new patients, and other information included in a
23 printed provider directory.

24 (b) An insurer that uses a network of contracting health care
25 providers for its health benefit plans shall provide a copy of
26 its current provider directory, including any specialty
27 directory, to all insureds on or before the effective date of
28 initial coverage and shall make these directories available to
29 current and prospective insureds upon request. Updated directory
30 information reflecting the most current information available to
31 the insurer shall be available to insureds by telephone and may
32 also be made available by other media.

33 (c) Each directory shall include, in addition to the name,
34 address, telephone number, and area of specialty for each health
35 care provider and facility in its provider network, an indication
36 of whether the provider:

- 37 (1) May be selected as a primary care provider.
38 (2) Is or is not currently accepting new patients.
39 (3) Has any other restrictions that would limit an
40 insured's access to coverage from that provider.
41 (4) A brief explanation, including costs to the
42 insured, of how an insured may access providers
43 outside of the network.

1 (5) An explanation of the insured's right to transition
2 coverage.

3 (6) The consumer complaint telephone number at the
4 Department of Insurance.

5 The directory shall also include the date of its publication and
6 instructions on how a current or prospective insured can obtain
7 information about changes in the provider network or a provider's
8 ability to accept new patients that may have occurred since the
9 most recent printing of the directory.

10 (d) The directory shall include all of the types of licensed
11 or certified health care providers with which the insurer
12 contracts directly or with whom the insurer has access through a
13 contract with an intermediary organization. If a contracting
14 provider requests, the names of any allied health care providers
15 who practice and deliver primary care services under the
16 supervision of the contracting provider and whose services are
17 covered by virtue of the carrier's contract with the supervising
18 provider shall be listed as part of the directory listing for the
19 contracting provider.

20 (e) An insurer may maintain separate directories for specialty
21 services, such as mental health, substance abuse, or centers of
22 excellence, but shall make each of its directories available to
23 current and prospective insureds in accordance with this
24 section."

25 Section 17. Article 3 of Chapter 58 of the General
26 Statutes is amended by adding a new section to read:

27 "§ 58-3-229. Patient access to quality managed health care.

28 (a) Access Ensured by Plan Fairness and Due Process. -- Every
29 health benefit plan shall:

30 (1) Ensure that the health plan does not require
31 hospital privileges of providers unless such
32 privileges are necessary for the provider's
33 provision of the full scope of services to the
34 insured.

35 (2) Ensure that the plan does not discriminate with
36 respect to participation, reimbursement, or
37 indemnification as to any provider acting within
38 the scope of the provider's license or
39 certification solely on the basis of the providers'
40 licenses or classifications.

41 (3) Establish relevant objective written criteria for
42 contracting with and credentialing providers.

- 1 (4) Establish reasonable time frames for provider
2 enrollment, which may be continuous, or, at a
3 minimum, at least twice a year.
4 (5) Complete the credentialing process for contracting
5 providers within 60 days of receipt of all
6 information necessary to review the provider's
7 request for participation in the plan.
8 (6) Make criteria for provider participation in the
9 plan available to all providers.
10 (7) The plan shall allow every contracting provider
11 pursuant to this subdivision to provide covered
12 health care services to covered persons within the
13 full scope of the contracting provider's licensure
14 in accordance with North Carolina State law.

15 (e) Insurer Responsibility for Intermediaries. -- For purposes
16 of this section G.S. 58-3-100, 58-3-191, 58-3-200, 58-3-225, 58-
17 3-230, 58-3-235, 58-67-88, 58-50-62, and 58-67-50, the duties
18 placed on an insurer include a duty to ensure that any
19 intermediary the insurer contracts with to provide health care
20 under the insurer's health benefit plan complies with the
21 requirements of this section to ensure patient access to quality
22 managed health care. As used in this subsection, the term
23 'intermediary' means an entity that employs or contracts with
24 health care providers for the provision of health care services,
25 and that also contracts with an insurer covering the health care
26 services under a health benefit plan."

27 Section 18. Article 3 of Chapter 58 of the General
28 Statutes is amended by adding a new section to read:

29 "§ 58-3-230. Health plan disclosure requirements.

30 At the time of application for delivery of a health benefit
31 plan, the insurer shall deliver to the applicant and insured a
32 clear and concise description of the coverage provided by the
33 plan. The description shall be printed on a form prescribed by
34 the Commissioner. The description shall include:

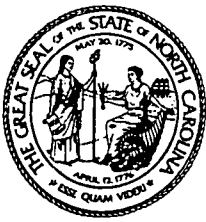
- 35 (1) Definitions of terms used in the health benefit
36 plan.
37 (2) A brief description of the principal benefits or
38 coverage provided, including any coverage
39 exclusions or limitations.
40 (3) A brief description of how coverage determinations
41 are made, including whether factors other than
42 medical necessity and coverage exclusions and
43 limitations are considered.

- 1 (4) A brief explanation of insurer and insured payment
2 responsibilities, including how plan allowances,
3 such as 'usual and customary charges', are
4 developed.
- 5 (5) A brief explanation of provider network limitations
6 and requirements, including requirements for the
7 use of subnetworks, when prior authorization or
8 precertification is required, and how tertiary and
9 quaternary care are arranged.
- 10 (6) Tax and health plan accreditation status of the
11 insurer.
- 12 (7) A statement that the outline is a summary of the
13 health benefit plan and that the health benefit
14 plan should be examined to determine health benefit
15 plan provisions.
- 16 (8) A brief explanation, including costs to the insured
17 of how an insured may access providers outside of
18 the network.
- 19 (9) An explanation of the insured's right to transition
20 coverage."

21 Section 19. The Commissioner of Insurance shall report
22 semiannually to the Joint Legislative Health Care Oversight
23 Committee regarding the nature and appropriateness of reviews
24 conducted under this Part. The report shall include the number
25 of reviews, character of the reviews, dollar amounts in question,
26 and any other information relevant to the evaluation of the
27 effectiveness of the external review procedures established
28 pursuant to this act.

29 Section 20. If any section or provision of this act is
30 declared unconstitutional or invalid by the courts, it does not
31 affect the validity of the act as a whole or any part other than
32 the part so declared to be unconstitutional or invalid.

33 Section 21. This act becomes effective July 1, 2001,
34 and Part 1 of this act applies to claims received on or after
35 July 1, 2001.



HOUSE BILL 1537: PROMPT PAY/PATIENT PROTECTION

BILL ANALYSIS

Committee:	Rules	Introduced by:	
Date:	June 21, 2000	Summary by:	Frank W. Folger
Version:	Proposed Committee Substitute- H1537-PCS6308-LB1		Committee Counsel

SUMMARY: PART I: PROMPT PAY (Sections 1-3)

Section 1 of Part I of the act adds a new section to Article 3 of Chapter 58 to require a licensed insurer to pay a complete and uncontested claim submitted by a claimant within 30 days. If the claim is not paid within 30 days, interest at 1.5 percent per month compounded daily will be added to the claim. The act requires the insurer to notify the claimant by email or in writing within the same 30 days if the claim is contested or denied. If a claim is denied or contested in part, the insurer must pay the undisputed portion of the claim within the same 30 days. The denial or contest notice is required to include the specific reasons supporting the denial or contest and an itemized list of any additional information required for the insurer to complete the processing for the claim. The insurer must pay the claim within 30 days after receiving the additional information. A violation of the act would subject the insurer to civil penalties, restitution in addition to or instead of license suspension or revocation by the Commissioner of Insurance pursuant to G.S. 58-2-70.

Sections 2 and 3 of Part I make conforming changes to existing law.

PART II: EXTERNAL REVIEW/MANAGED CARE (Sections 4-19)

Sections 4 - 15 This portion of the act would add a new Part to Article 50 Chapter 58 of the General Statutes to establish an external, independent review process for consumers to obtain an external review of disputes regarding complaints and issues relating to the consumer's health benefit plan. A request for an external review would be made to the Commissioner of Insurance after exhausting all internal appeals. External reviews would be conducted by independent review organizations (IROs) that are approved by the Commissioner of Insurance. An expedited review would be allowable, after meeting certain criteria, if it was determined to be necessary to avoid jeopardizing the covered person's health, life, or ability to regain maximum function., the decision of the IRO must be made within 45 days, under the standard external review process, or four days, under the expedited external review process.. The decision would be binding upon the insurer. It would also be binding on the covered person except to the extent of available state and federal remedies. The insurer would pay the cost of the review. The act would not be applicable to self-funded employer health plans regulated under ERISA.

Sections 16 - 18 This portion of the act would expand current North Carolina law regulating managed care organizations. The bill addresses several consumer and provider issues including provider directories, access to quality managed health care, and health plan disclosure requirements. Employer self-funded health plans would be exempt from the proposed provisions under ERISA preemption provisions.

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Section 19 This section requires the Commissioner of Insurance to report to the Joint Legislative Health Care Oversight Committee on the nature and appropriateness of external reviews conducted pursuant to the act.

Section 20 This section is a severability clause.

Section 21 This section would make the act effective July 1, 2001, and apply Part I of the act to claims received on or after that date.

CURRENT LAW: PART I: PROMPT PAY

G.S. 58-3-100 authorizes the Commissioner of Insurance to impose a civil penalty if an insurer fails to acknowledge a claim within 30 days after receiving notice of the claim, but only if the notice contains sufficient information for the insurer to identify the specific coverage involved. Acknowledgment of the claim shall be made to the claimant or his legal representative by advising that the claim is being investigated; or shall be a payment of the claim; or shall be a bona fide written offer of a settlement; or shall be a written denial of the claim.

Uniform claim forms: G.S. 58-3-171 and rules adopted by the Commissioner require all claims submitted by institutional health care providers to health benefit plans to be submitted on the HCFA 1450 (UB 92), or a substantively similar claim form, and all claims submitted by noninstitutional health care providers to be submitted on the HCFA 1500, or a substantively similar claim form. Payors and health care providers that receive or generate claims or send payments by electronic means must accept or generate the appropriate ASC X12 Standard Format for their health care claims submission and remittance transactions. Additional information beyond that contained on the uniform form or format may be collected, but must meet certain requirements set by the Commissioner.

Current Remedies for claim settlement practices in violation of Chapter 58: G.S. 58-63-15(11) defines certain claim settlement practices which, if committed with sufficient frequency to indicate a general business practice, will constitute an unfair and deceptive act or practice in the practice of insurance. Allegations of such practice patterns are subject to investigation by the Commissioner, who may file charges and issue a cease and desist order. Violations of the cease and desist order will subject the insurer to a penalty (in addition to any other applicable penalties) of not less than \$1,000, but not more than \$5,000 for each violation. No private right of action is created under the Article. However, unfair and deceptive acts in the insurance area are not regulated exclusively by Article 63, but are also actionable under § 75-1.1, which provides for a private right of action.

G.S. 58-2-70 authorizes the Commissioner of Insurance to seek appropriate remedies from any person who violates any provision of Chapter 58. The Commissioner has the authority to impose fines, petition the court to order appropriate restitution in addition or instead of suspending or revoking the violator's license.

PART II: EXTERNAL REVIEW/MANAGED CARE

Sections 4 -15

Internal Appeal and Grievance Procedures.

North Carolina law provides for two step internal appeal and grievance procedure that allows consumers to appeal denials of preauthorizations of covered services or other matters in dispute between the consumer and the health benefit plan. Consumers whose appeal of a noncertification decision

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(preauthorization denial) or whose first-level grievance review has been decided in favor of the insurer have a right to file a written grievance with the insurer and to have a panel investigate and make a determination regarding the grievance. Consumers also have a right to request the review, appeal and grievance through a person authorized to act on their behalf or through their health care provider.

Appeals of Utilization Review Decisions: Under current law, when a consumer requests authorization of a particular procedure or service or continued authorization of ongoing care, the insurer must make a determination within two business days of the request. If the insurer renders a noncertification decision (denies authorization), the consumer may informally appeal the denial. This informal appeal procedure allows the consumer to explain why the procedure should have been authorized. This appeal requires that the noncertification decision be reviewed by at least one medical doctor, licensed in NC, who was not involved in the denial. The insurer must issue a written decision to the consumer and the health care provider within 30 days of the request for review. The insurer must provide an expedited review and issue a decision within four days when it is necessary to avoid jeopardizing the health of the patient.

First-Level Grievance Appeal: If the dispute concerns a matter of dissatisfaction other than a request for covered services, the consumer has a right to an informal review of the grievance. The current law requires that the insurer select someone with appropriate expertise, who was not involved in the matter, to evaluate the grievance. A written decision must be issued within 30 days of the request.

Second-Level Grievance Appeal: If the consumer is dissatisfied with the outcome of the informal, first level grievance appeal, or of the informal appeal of the noncertification decision, the consumer has a right to file a formal, second-level grievance appeal with the insurer. At this stage, the matter giving rise to the appeal must be evaluated by persons who were not previously involved in the matter, who are not employed by the insurer and who do not have a financial interest in the outcome of the appeal. However, these persons are appointed to serve on the panel by the insurer.

When the grievance concerns a utilization review matter or clinical issue, all members of the review panel must be health care professionals with appropriate expertise, including at least one clinical peer. One member of the panel may be an employee of the insurer if the panel is made up of three or more persons and the insurer included a clinical peer in the review of an appeal or first level grievance. The review must be held within 45 days of receipt of request and a written decision must be provided to the consumer seven days after the review meeting. An expedited review (within four days) must be provided if it is necessary to avoid jeopardizing the life or health of the patient.

Sections 16-18

North Carolina law does not require health plans to maintain provider directories to its members. However, if directories are offered, the law requires that only contracted providers be included in the directory.

North Carolina law requires that all policies and health plan description summaries disclose all coverage provisions, limits, exclusions, and requirements for the insureds. The insurer must inform members of the plan's responsibilities under its utilization review process, including the member's right to appeal and rights under the statutory grievance procedures. The members must be informed of the availability of coverage for services received out of network if the plan's network is inadequate. They must be informed of the plan's use of the definition of "medical necessity". Upon request, the health plan must provide a member or prospective member with a copy of the policy, an explanation of its utilization review criteria, treatment protocols, its procedures and criteria used to determine when a procedure is "experimental", its restrictions on drugs and its drug formularies.

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BILL ANALYSIS: PART I: PROMPT PAY

The act adds a new section to Article 3 of Chapter 58 to require a licensed insurer to pay a clean claim submitted by a claimant for covered services within 30 days. A claimant includes a health care provider or facility, an insured or an insured's legal representative. Within 30 days of receipt of the claim, the insurer must send the claimant, by paper mail or electronic mail one of the following:

1. Payment of the claim.
2. A notice of denial.
3. A notice that the proof of loss is either inadequate or incomplete.
4. A notice that the claim was not submitted on the form required by the health plan or the contract between the provider or facility and the insurer.

Notice requirements: The notice of denial must include the reasons for the denial. The notice that the proof of loss is either inadequate or incomplete or that the claimed benefit or benefits are not covered under the plan must include the reasons why the claim has not been paid along with an itemization or description of the information needed to process the claim. If the claim is not on the form required by the health benefit plan or the contract between the health care provider and facility, the notice shall include the required forms and complete instructions as to the format to be used. If the claim is denied in part, the insurer must pay the undisputed portion and send notice of the denial or contest within 30 days of receiving the claim.

Time frame for payment after receiving the requested information: The insurer has 30 days in which to pay the claim after it receives the requested information. If the requested information is not received within 90 days of making the request, the insurer shall deny the claim, and must send the claimant notice of the denial. If the insurer receives the requested information within one year after the date of the notice of denial, the insurer must reopen the claim.

Interest accrual: Claims that are not processed according to the time frames discussed above will bear interest at 1.5 percent per month compounded daily. The interest will begin on the date the claim should have been paid.

Timeframe within which to submit a claim: The act allows insurers to require claimants to submit claims within 180 calendar days of the last date the insured's health care provider provides health care services to the insured or from the date the insured is discharged from a health care facility. Failure to submit a claim within 180 days due to a reasonable impossibility does not invalidate or reduce any claim, provided that the claim is submitted as soon as reasonably possible. In all cases where the claimant has legal capacity, the claim must be submitted within 365 days of the time submittal would have otherwise been required.

Informing the insured on the status of a disputed claim: In cases where the claim is submitted by the insured's health care provider or facility, the insurer must send a claim status report to the insured if the claim remains unpaid after 60 calendar days, and every 30 calendar days after that, as long as the claim remains unresolved.

Reconciling retroactive demands for overpayments and underpayments: Demands by an insurer for refunds for overpayments or demands by providers for additional payment because of underpayments or nonpayment for covered services must be reconciled for specific claims unless the parties agree on a different way to handle the movement of the money. This means that the party owed money must identify the specific service(s) and claim payment(s) that were involved in the error. Both parties would have to

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reflect the adjustment in the account/claims experience of the insured in question. In cases where a plan contracts with a provider, the parties could agree on a different way to handle the allocation of the refund or additional payment. Regardless of how the parties reconcile the transaction, the insurer must ensure that the patient's claims experience is adjusted to reflect the ultimate adjustment.

Payment/collection and credit protection: No provider or facility may report an insured or their legal representative to a credit reporting agency while a claim is in dispute. Further, no provider or facility may seek payment (other than copayment or deductible) from the insured while the claim is in dispute. A violation will subject the provider or facility to the application of Article 2, Chapter 75 (Prohibited Acts by Debt Collectors). This act provides a private right of action, and authorizes the court to impose civil penalties up to \$2,000 for each violation.

Record keeping: Insurers must maintain records and other documentation to demonstrate compliance with the act according to adopted by the Commissioner. Such records include documentation of how the insurer reviewed and handled each claim, including the date it was paid, denied, or pending.

Violations of the act: A single violation of the act would subject the insurer to the sanctions provided for under G.S. 58-2-70.

Sections 2 and 3 make conforming changes to existing law.

PART II: EXTERNAL REVIEW/MANAGED CARE

Sections 4-15

Sections 4 through 7 of the bill divide Article 50 of Chapter 58 of the General Statutes, concerning general regulation of insurance, into five Parts and make conforming changes to existing language in the Article. Section 8 adds a new Part 4 to Article 50 of Chapter 58 to create a mechanism for independent, external review of an appeal decision upholding an initial noncertification decision or a second level grievance review decision that upheld an initial noncertification decision. The Part will apply to all persons who provide or perform utilization review.

Sections 9 amends the definition of "noncertification" under G.S. 58-3-190 to include (1) determinations and claims concerning whether a health care service provided in an emergency setting meets the prudent layperson standard for coverage; and (2) any review concerning whether a requested treatment is experimental, investigational, or cosmetic and the extent to which coverage under the health benefit plan is affected by that decision.

Section 10 amends the definition of "retrospective review" under G.S. 58-50-61(a)(17)g to specifically include reviews of claims concerning whether a health care service provided in an emergency setting meets the prudent layperson standard for coverage.

Section 11 amends G.S. 58-60-61(j), (Appeals of Noncertifications) to require informal reconsiderations of noncertifications to be conducted only after a written notice of the noncertification, meeting the requirements of G.S. 58-60-61 (h), has been issued. G.S. 58-60-61 (h) requires the notice to include the reasons for the noncertification, instructions on how to appeal the noncertifications, and instructions on how to request a written statement of the review criteria the insurer used in to make the noncertification. If the insurer is unable to reach an informal reconsideration decision in fewer than 10 business days, the informal reconsideration is to be treated as a formal appeal.

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Section 12 adds a new subsection to G.S. 58-50-62 (Insurer grievance procedures), to provide similar requirements for procedures related to informal considerations of grievances as those outlined in Section 11.

Sections 13-15 makes clarifying and conforming amendments to current law.

Sections 16-18

Section 16 would require insurers to provide a copy of a current provider directory, including any specialty directory, to all insureds, on or before the effective date of initial coverage and upon request to current or prospective insureds. The section specifies what must be included in the directory. The directory would include not only providers that the insurer contracts with directly, but also providers the insurer contracts with through an intermediary. In addition, at the request of a contracting provider, the names of any allied health care providers who practice and deliver primary care services under the supervision of the contracting provider would be required to be listed in the directory.

Section 17 requires every health plan to: ensure hospital privileges is not a requirement for providers unless necessary; ensure the plan does not discriminate regarding participation, reimbursement, or indemnification solely based on a provider's license or classification; establish objective criteria for provider contracting and credentialing; establish reasonable time frames for provider enrollment; complete credentialing of providers within 60 days of receipt of all necessary information; make available to all providers criteria for provider participation; and allow every provider to provide covered care services to covered persons within the full scope of the provider's licensure, in accordance with N.C. law. It also makes insurers responsible for intermediaries complying with the requirements of the section.

Section 18 would require the insurer to deliver to the applicant and the insured a "clear and concise description of the coverage of the plan". The description must include a list of items outlined in the section.

Section 19 requires the Commissioner of Insurance to make biannual reports to the Joint Legislative Health Care Oversight Committee concerning the number and appropriateness of external appeals requested and conducted.

Section 20 is a severability clause.

Section 21 makes the bill effective July 1, 2001.

H 1537: External Grievance Review Procedures

1	Predominant State Regulator Involved in the External Review	Department of Insurance (DOI).
2	Entities Whose Decisions are Eligible for External Review	Health Insurer.
3	Who May Request External Review	Covered Person.
4	Decisions that are Eligible for External Review	1) A noncertification appeal decision and 2) a second level grievance review decision.
5	Dollar Threshold for External Review	None.
6	Cost Sharing Requirements	None.
7	Exhausting Internal Grievance Procedures	With some exceptions, a request for an external review shall not be made until the covered person has exhausted the insurer's internal grievance process. If the covered person has filed a grievance involving a noncertification appeal decision, but the insurer has not issued a written decision to the covered person within 45 days after the date it was filed and the covered person has not requested or agreed to a delay, the covered person is considered to have exhausted the insurer's internal grievance process.
8	Expedited Review	A covered person may make a request for an expedited external review with the Commissioner and if the Commissioner determines that the request meets the reviewability standards, an Independent Review Organization (IRO) will be assigned to complete the review on an expedited basis. If the IRO determines that the timeframe for a standard review would seriously jeopardize the life or health of the covered person or would jeopardize the covered person's ability to regain maximum function, the IRO must conduct the review and make the decision within four days.

9	General Description of Process	<p>The request for external review is filed with the Department of Insurance. DOI notifies the health carrier of the filing of the request and provides a copy. DOI conducts a preliminary review to make sure the case is eligible. If the external review request is accepted, DOI notifies the insurer and covered person. The covered person has five days to select an approved Independent Review Organization (IRO). If the covered person hasn't selected an organization within five days, the Commissioner makes an assignment. The covered person and the insurer submit documents and information considered in making the internal review decision. The IRO conducts external review. IRO reverses or upholds determination, then notifies the covered person, Commissioner, and insurer. Except for a request for an expedited external review, all requests for external review must be made in writing.</p>
10	Funding	<p>The insurer against which a request for a standard review or an expedited external review is filed shall pay the cost of the IRO in conducting the external review.</p>
11	Qualifications of Reviewer	<p>The Commissioner approves IROs eligible to be assigned to conduct external reviews. The Commissioner develops an application form for initially approving and for re-approving organizations. Any IRO wishing to be approved submits the application form and includes with the form all documentation and information necessary for the Commissioner to determine if the organization satisfies the minimum qualifications established under G.S. 58-50-87.</p> <p>To be approved under G.S. 58-50-87, an IRO maintains written policies and procedures that govern all aspects of both the standard external review process and the expedited external review process that include, at a minimum:</p> <ol style="list-style-type: none"> 1. A quality assurance mechanism in place that ensures: <ol style="list-style-type: none"> a. That external reviews are conducted within the specified time frames and required notices are provided in a timely manner. b. The selection of qualified and impartial clinical peer reviewers to conduct external reviews on behalf of the IRO and suitable matching of reviewers to specific cases. c. The confidentiality of medical and treatment records and clinical review criteria. AND d. That any person employed by or under contract with the IRO adheres to the requirements of this Part. 2. A toll-free telephone service to receive information on a 24-hour-day, seven-day-a-week basis related to external reviews that is capable of accepting, recording, or providing appropriate instruction to incoming telephone callers during other than normal business hours.

	<ol style="list-style-type: none"> 3. Agree to maintain and provide to the Commissioner the information set out in G.S. 58-50-85. 4. Agree to contractual terms or written requirements established by the Commissioner. 5. A program for credentialing clinical peer reviewers. <p>All clinical peer reviewers assigned by an IRO shall be physicians or other appropriate health care providers who meet the following minimum qualifications:</p> <ol style="list-style-type: none"> 1. Be an expert in the treatment of the covered person's medical condition. 2. Be knowledgeable about the recommended health care service or treatment through recent or current actual clinical experience treating patients with the same or similar medical condition of the covered person. 3. Hold a non-restricted license in a state of the US and, for physicians, a license from the North Carolina Medical Board, and if a specialist medical doctor, a current certification by a recognized American medical specialty board in the area(s) appropriate. AND 4. Have no history of disciplinary actions or sanctions, including loss of staff privileges or participation restrictions, that have been taken or are pending by a hospital, governmental agency or unit, or regulatory body that raise a substantial question as to the clinical peer reviewer's physical, mental, or professional competence or moral character. 	
12	Conflicts of Interest	<p>Neither the IRO nor any clinical peer reviewer assigned by the IRO may have a material professional, familial, or financial conflict of interest with any of the following:</p> <ol style="list-style-type: none"> 1. The insurer. 2. The covered person or the covered person's authorized representative. 3. Any officer, director, or management employee of the insurer. 4. The healthcare provider, the health care provider's medical group or independent practice association recommending the health care service or treatment. 5. The facility at which the recommended healthcare service or treatment would be provided. 6. The developer or manufacturer of the principal drug, device, procedure, or other therapy being recommended for the covered person. <p>The IRO may not own or control, be a subsidiary of or in any way be owned or controlled by, or exercise control with a health benefit plan, a national, state or local trade association of health benefit plans, or a national, state or local trade association of health care providers</p>

13	Standard of Review	<p>The IRO reviews all of the information and documents received. In addition to documents received, the IRO considers:</p> <ul style="list-style-type: none"> • the covered person's medical records, • the attending health care professional's recommendation, • consulting reports from appropriate health care professionals and other documents submitted, • the terms of coverage under the covered person's health benefit plan, • the most appropriate practice guidelines, including local practice guidelines, and any applicable clinical review criteria developed and used by the insurer or its designee utilization review organization. • Medical necessity, as defined in G.S. 58-3-200(b). <p>Within 45 days after the date of receipt of the request for external review, the IRO provides written notice of its decision to uphold or reverse the noncertification appeal decision or second level grievance review decision to the covered person, the insurer, and the Commissioner.</p>
14	Time Frames	<p>A covered person has 60 days after the date of receipt of a notice of a noncertification appeal decision or a second level grievance review decision to file a request with the Commissioner for an external review. Within 5 business days after the date of receipt of a request for an external review, the Commissioner has to complete a preliminary review of the request. If the request is not complete, the Commissioner will notify the covered person what information or materials are needed to review the request. The covered person has 90 days to furnish the materials. Once the request is accepted for review, the covered person has five days to select an IRO. The insurer or its designee utilization review organization has 7 days to forward documents and any information to the IRO. Within 45 days, the IRO has to provide written notice of its decision to uphold or reverse the decision to the covered person, the insurer, and the Commissioner. The decision of an expedited review must be made within four days.</p>
15	Binding Nature of Decision	<p>The decision is binding on the insurer. It is binding on the covered person except to the extent the covered person has other remedies available under applicable federal or state law. A covered person may not file a subsequent request for external review involving the same noncertification appeal decision or second level grievance review decision for which the covered person has already received an external review decision.</p>
16	Attorney's Fees	<p>Does not address attorneys.</p>
17	Confidentiality Requirements	<p>For purposes of conducting an external review, the insurer provides an authorization form by which the covered person authorizes the insurer to disclose protected health information, including medical records, concerning the covered person that are pertinent to the external review.</p>

18	Liability of Reviewer	<p>No IRO or clinical peer reviewer working on behalf of an IRO shall be liable in damages to any person for any opinions rendered during or upon completion of an external review, unless the opinion was rendered in bad faith or involved gross negligence.</p>
19	Data Reporting	<p>Each IRO is required to maintain for at least three years written records in the aggregate and by insurer on all requests for which it conducted an external review during a calendar year and submit a report, at least annually, to the Commissioner.</p> <p>Each insurer shall maintain for at least three years written records in the aggregate and for each type of health benefit plan offered by the insurer on all requests for external review that are filed with the insurer or that the insurer received notice of from the Commissioner.</p>
20	Disclosure Requirements	<p>Each insurer must provide each covered person a description of the plan's external review procedures, including a statement that informs the covered person of their right to file a request for external review.</p>

**2000 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES**

The following report(s) from standing committee(s) is/are presented:

By Representative(s) **Culpepper** for the Committee on **Rules, Calendar and Operations of the House.**

Committee Substitute for

H.B. 1537 A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR THE PROMPT PAYMENT OF CLAIMS UNDER HEALTH BENEFIT PLANS AND TO MAKE CONFORMING AMENDMENTS TO RELATED CLAIM PAYMENT LAWS.

- With a favorable report.
- With a favorable report and recommendation that the bill be re-referred to the Committee on Appropriations Finance .
- With a favorable report, as amended.
- With a favorable report, as amended, and recommendation that the bill be re-referred to the Committee on Appropriations Finance .
- With a favorable report as to committee substitute bill, which changes the title, unfavorable as to original bill.
- With a favorable report as to House committee substitute bill (#), which changes the title, unfavorable as to Senate committee substitute bill.
- With an unfavorable report.
- With recommendation that the House concur.
- With recommendation that the House do not concur.
- With recommendation that the House do not concur; request conferees.
- With recommendation that the House concur; committee believes bill to be material.
- With an unfavorable report, with a Minority Report attached.
- Without prejudice.
- With an indefinite postponement report.
- With an indefinite postponement report, with a Minority Report attached.
- With recommendation that it be adopted. (HOUSE RESOLUTION ONLY)

5/25/00

MINUTES OF THE COMMITTEE ON RULES, CALENDAR AND OPERATIONS OF
THE HOUSE

June 22, 2000

The Committee on Rules, Calendar and Operations of the House met on June 22, 2000 at 12:00 p.m. in Room 421 of the Legislative Office Building. The following members were present: Representatives Culpepper, Chairman, Hackney, Vice Chairman; Alexander, Allen, Boyd-McIntyre, Crawford, Gulley, Hill, Jarrell, Luebke, McMahan, Nye, and Yongue.

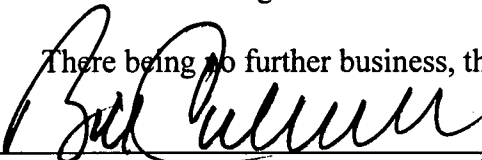
The following bills were considered:

HOUSE RESOLUTION 1864 – A HOUSE RESOLUTION HONORING THE MEMORY OF THE AMERICAN MEN AND WOMEN WHO GAVE THEIR LIVES IN THE KOREAN WAR ON THE 50TH ANNIVERSARY OF THE BEGINNING OF THE WAR. A proposed committee substitute was offered and Representative Nye moved for its adoption for purposes of discussion. It was so ordered. Representative Barefoot, one of the sponsors of the bill, was recognized and explained the resolution. He stated that 2,272 North Carolinians were wounded during the Korean War and 784 North Carolinians died in combat or died of wounds from combat. North Carolina produced three Congressional Medal of Honor winners, all of whom are deceased. The chairman recognized Zeb Alley, a former legislator, a Korean War veteran and a Legislative Officer for the Veterans of Foreign Wars. Mr. Alley introduced the Chief of Staff of the Veterans of Foreign Wars, J. D. Chambers, who is a Korean veteran, and recognized Representative Allen, (a member of the committee) also as a combat veteran of the Korean War. Representative Nye announced that he was also a Korean War veteran, and Representative Allen and Nye moved that the proposed committee substitute be adopted, unfavorable as to the original resolution. The motion carried.

HOUSE BILL 1777 – AN ACT TO ALLOW DARE COUNTY TO EXPAND THE PURPOSE OF SPECIAL TAX DISTRICTS TO UNDERGROUND ELECTRIC UTILITY LINES SO AS TO ALLOW UNDERGROUNDING OF TELEPHONE AND CABLE TELEVISION LINES. The chairman requested the vice chairman to chair the committee in order for him to speak on the bill. A proposed committee substitute changing the title to AN ACT TO ALLOW DARE COUNTY TO CREATE SPECIAL DISTRICTS TO UNDERGROUND LINES was offered, and Representative Allen moved that the proposed committee substitute be adopted. The motion carried. The chairman, the bill sponsor, was then recognized for explanation of the bill. He stated that in the last session a local bill was passed to allow Dare County to create special utility districts to underground lines. That bill was specific only to electric utility lines, and since that time Dare County has amended its request and has been in negotiations with Sprint to include the undergrounding of telephone and cable lines. He requested Tom Morrow with Sprint to speak on the bill, and Mr. Morrow stated that Sprint has no objection to the bill. Representative Hill made a motion that the proposed committee

substitute be given a favorable report and be rereferred to the House Finance committee, unfavorable as to the original bill. The motion carried.

There being no further business, the meeting adjourned a 12:15 p.m.



Representative Bill Culpepper, Chairman



Dorothy C. Crocker, Committee Assistant

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1999

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HOUSE PRINCIPAL CLERK

HOUSE RESOLUTION DRHRA258-LG

Sponsors: Representatives Warner and Barefoot (Primary Sponsors).

Referred to:

1 A HOUSE RESOLUTION HONORING THE MEMORY OF THE AMERICAN
2 MEN AND WOMEN WHO GAVE THEIR LIVES IN THE KOREAN WAR ON
3 THE 50TH ANNIVERSARY OF THE BEGINNING OF THE WAR.

4 Whereas, at 4:00 A. M. on Sunday, June 25, 1950, the North Korean
5 People's Army under Marshal Choc Yong Gun crossed the 38th parallel into the
6 Republic of Korea (South Korea) with an initial invasion force of seven infantry
7 divisions and a tank brigade; and

8 Whereas, in response to an urgent request of the United Nations
9 Securities Council for member nations to come to the aid of the Republic of Korea,
10 President Harry Truman authorized the use of the air and sea forces of the United
11 States of America on June 27; and

12 Whereas, as American pilots began their bombing missions against North
13 Korean troops on June 28, the United States of America suffered its first casualties in
14 the Korean War; and

15 Whereas, American ground troops were ordered into the Republic of
16 Korea on June 30, just two days after its capital, Seoul, fell to the invading North
17 Korean Army; and

18 Whereas, over the next three years American men and women joined
19 with their comrades from 14 other United Nations countries (Great Britain, Turkey,
20 Canada, Australia, Thailand, France, Greece, New Zealand, Netherlands, Colombia,
21 Belgium, Ethiopia, Luxemborg, and South Africa) to heroically repel the invading
22 forces and to restore the political, civil, and military integrity of the Republic of
23 Korea; and

24 Whereas, the American military presence in South Korea was the
25 determining factor in the outcome of the first war in which the United Nations had
26 engaged; and

1 Whereas, courageous Americans fought, bled, and died in every theater
2 of operations in the Korean War; and

3 Whereas, the sacrifice, the heroism, and the gallantry of Americans at
4 Inchon, Seoul, the Yalu River, the Pusan Perimeter, the Chosin Reservoir, Pork Chop
5 Hill, the Iron Triangle, Heartbreak Ridge, and many other places on Korean soil were
6 in the finest tradition of the Armed Forces of the United States of America; and

7 Whereas, of the 147,131 combat casualties suffered by United States
8 forces during the Korean War, some 33,629 Americans were killed in action or died
9 of battle wounds; and

10 Whereas, more than 177,000 North Carolinians served their nation in
11 military service during the Korean War; and

12 Whereas, 2,272 North Carolinians were wounded in action and 784 North
13 Carolinians made the ultimate sacrifice in the Korean War; and

14 Whereas, three North Carolinians were awarded the Congressional Medal
15 of Honor for their outstanding valor during the Korean War; and

16 Whereas, the week of June 25 - July 1 marks the 50th anniversary of the
17 beginning of the Korean War; and

18 Whereas, it is right and fitting that a grateful State and nation should
19 reflect upon and honor the important role that North Carolina and the United States
20 of America played in the Korean War; and

21 Whereas, as all of America begins to commemorate the 50th anniversary
22 of the beginning of the Korean War, the House of Representatives deems it just and
23 proper to honor the live and memory of the deceased American men and women
24 who served in that war; Now, therefore,

25 Be it resolved by the House of Representatives:

26 Section 1. The House of Representatives expresses its gratitude and
27 appreciation for all of the American men and women, who in military and civilian
28 roles, sacrificed for and served their nation in the Korean War.

29 Section 2. The House of Representatives mourns the loss of all North
30 Carolinians and all Americans who gave their lives in the Korean War.

31 Section 3. The House of Representatives extends its sincere sympathy
32 and gratitude to the families of the deceased North Carolina veterans who served in
33 the Korean War.

34 Section 4. The House of Representatives requests that all citizens of
35 North Carolina memorialize the fallen heroes of the Korean War by taking an active
36 part in the many events that are scheduled over the next three years to commemorate
37 the 50th anniversary of the war.

38 Section 5. This resolution is effective upon adoption.

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1999

H

D

H1864-CSRW-001
PROPOSED COMMITTEE SUBSTITUTE
HOUSE RESOLUTION 1864
THIS IS A DRAFT 22-JUN-00 11:18:21
ATTENTION: LINE NUMBERS MAY CHANGE AFTER ADOPTION

Sponsors:

Referred to: Rules, Calendar and Operations of the House.

June 21, 2000

1 A HOUSE RESOLUTION HONORING THE MEMORY OF THE AMERICAN MEN AND
2 WOMEN WHO GAVE THEIR LIVES IN THE KOREAN WAR ON THE 50TH
3 ANNIVERSARY OF THE BEGINNING OF THE WAR.

4 Whereas, at 4:00 A. M. on Sunday, June 25, 1950, the
5 North Korean People's Army under Marshal Choc Yong Gun crossed
6 the 38th parallel into the Republic of Korea (South Korea) with
7 an initial invasion force of seven infantry divisions and a tank
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10 Nations Securities Council for member nations to come to the aid
11 of the Republic of Korea, President Harry Truman authorized the
12 use of the air and sea forces of the United States of America on
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15 against North Korean troops on June 28, the United States of
16 America suffered its first casualties in the Korean War; and

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18 Republic of Korea on June 30, just two days after its capital,
19 Seoul, fell to the invading North Korean Army; and

20 Whereas, over the next three years American men and
21 women joined with their comrades from 14 other United Nations
22 countries (Great Britain, Turkey, Canada, Australia, Thailand,

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2 Ethiopia, Luxemborg, and South Africa) to heroically repel the
3 invading forces and to restore the political, civil, and military
4 integrity of the Republic of Korea; and

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6 was the determining factor in the outcome of the first war in
7 which the United Nations had engaged; and

8 Whereas, courageous Americans fought, bled, and died in
9 every theater of operations in the Korean War; and

10 Whereas, the sacrifice, the heroism, and the gallantry
11 of Americans at Inchon, Seoul, the Yalu River, the Pusan
12 Perimeter, the Chosin Reservoir, Pork Chop Hill, the Iron
13 Triangle, Heartbreak Ridge, and many other places on Korean soil
14 were in the finest tradition of the Armed Forces of the United
15 States of America; and

16 Whereas, of the 147,131 combat casualties suffered by
17 United States forces during the Korean War, some 33,629 Americans
18 were killed in action or died of battle wounds; and

19 Whereas, more than 177,000 North Carolinians served
20 their nation in military service during the Korean War; and

21 Whereas, 2,272 North Carolinians were wounded in action
22 and 784 North Carolinians made the ultimate sacrifice in the
23 Korean War; and

24 Whereas, three North Carolinians were awarded the
25 Congressional Medal of Honor for their outstanding valor during
26 the Korean War; and

27 Whereas, the week of June 25 - July 1 marks the 50th
28 anniversary of the beginning of the Korean War; and

29 Whereas, it is right and fitting that a grateful State
30 and nation should reflect upon and honor the important role that
31 North Carolina and the United States of America played in the
32 Korean War; and

33 Whereas, as all of America begins to commemorate the
34 50th anniversary of the beginning of the Korean War, the House of
35 Representatives deems it just and proper to honor the lives and
36 memory of the deceased American men and women who served in that
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38 Be it resolved by the House of Representatives:

39 Section 1. The House of Representatives expresses its
40 gratitude and appreciation for all of the American men and women,
41 who in military and civilian roles, sacrificed for and served
42 their nation in the Korean War.

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2 of all North Carolinians and all Americans who gave their lives
3 in the Korean War.

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5 sincere sympathy and gratitude to the families of the deceased
6 North Carolina veterans who served in the Korean War.

7 Section 4. The House of Representatives requests that
8 all citizens of North Carolina memorialize the fallen heroes of
9 the Korean War by taking an active part in the many events that
10 are scheduled over the next three years to commemorate the 50th
11 anniversary of the war.

12 Section 5. This resolution is effective upon adoption.

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1999

H

1

HOUSE BILL 1777*

Short Title: Dare Utility Undergrounding Amendments.

(Local)

Sponsors: Representative Culpepper.

Referred to: Rules, Calendar, and Operations of the House.

May 25, 2000

- 1 A BILL TO BE ENTITLED
2 AN ACT TO ALLOW DARE COUNTY TO EXPAND THE PURPOSE OF
3 SPECIAL TAX DISTRICTS TO UNDERGROUND ELECTRIC UTILITY LINES
4 SO AS TO ALLOW UNDERGROUNDING OF TELEPHONE AND CABLE
5 TELEVISION LINES.
6 The General Assembly of North Carolina enacts:
7 Section 1. Section 1.1 of S.L. 1999-127 reads as rewritten:
8 "Section 1.1. Authorization to Create Utility District. A county board of
9 commissioners may create one or more Utility Districts for the purpose of raising and
10 expending funds to underground ~~electric~~ electric, telephone, and cable television
11 utility lines in the district."
12 Section 2. Section 5(a) of S.L. 1999-127 reads as rewritten:
13 "Section 5.(a) Powers. By resolution the board of commissioners of the county,
14 acting ex officio on behalf of the Utility District, may levy a tax of up to ~~one~~ to:
15 (1) One dollar (\$1.00) per month on each residential electric power
16 customer bill for service within the district, and up to five dollars
17 (\$5.00) per month on each commercial or industrial electric power
18 customer bill within the district.
19 (2) One dollar (\$1.00) per month on each residential telephone
20 customer bill for service within the district, and up to five dollars
21 (\$5.00) per month on each commercial or industrial telephone
22 customer bill within the district.
23 (3) One dollar (\$1.00) per month on each cable television customer
24 bill for service within the district."

1 Section 3. Section 6 of S.L. 1999-127 reads as rewritten:

2 "Section 6. Use of Funds. The taxes levied under this act, after being expended
3 for the necessary administrative expenses of the utility district, shall be used only for
4 undergrounding of ~~electric~~ electric, telephone, and cable television utility lines within
5 the district. The budget for the Utility District shall be adopted by the special
6 commission for that district."

7 Section 4. Section 9(b) of S.L. 199-127 reads as rewritten:

8 "Section 9.(b) Collection. Every ~~electric~~ utility subject to a tax authorized by this
9 act shall, on and after the effective date of the levy of the tax, collect the tax. The
10 tax shall be collected as part of the charge for furnishing ~~electric power~~ service. The
11 tax shall be stated and charged separately and shall be paid by the purchaser to the
12 utility as trustee for and on account of the Utility District. The tax shall be added to
13 the sales price and shall be passed on to the purchaser instead of being borne by the
14 utility. The Utility District shall design, print, and furnish to all appropriate utilities
15 in the district the necessary forms for filing returns and instructions to ensure the full
16 collection of the tax. A utility who collects a tax authorized by this act may deduct
17 from the amount remitted to the Utility District a discount equal to the discount the
18 State allows the utility for State sales and use tax. For the purpose of this act, a
19 utility includes a government entity providing ~~electric~~ service, a cooperative, and any
20 other ~~electric~~ utility. A utility shall have the same right to suspend or terminate
21 service for nonpayment of the tax that it has to suspend or terminate service for
22 payment of any other part of the utility bill. The obligation of the utility to pay the
23 tax if the customer has not paid the bill is the same as its liability under G.S. 105-
24 164.4(a)(4a)."

25 Section 5. Section 5 of S.L. 1999-127 is amended by adding a new
26 subsection to read:

27 "Section 5.(b) The board of commissioners may exempt from payment of the tax
28 any person for whom the payment would work an unreasonable financial hardship in
29 accordance with criteria established by the board of commissioners."

30 Section 6. This act is effective when it becomes law.

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1999

H

D

HOUSE BILL 1777*
Proposed Committee Substitute H1777-PCS6312-LB1

Short Title: Dare Utilities.

(Local)

Sponsors:

Referred to:

May 25, 2000

1 A BILL TO BE ENTITLED
2 AN ACT TO ALLOW DARE COUNTY TO CREATE SPECIAL DISTRICTS TO
3 UNDERGROUND LINES.

4 The General Assembly of North Carolina enacts:

5 Section 1. Authorization to Create Utility District. A county board of
6 commissioners may create one or more Utility Districts for the purpose of raising and
7 expending funds to underground electric and telephone utility lines in the district.

8 Section 2.(a) Procedure. A county board of commissioners may by
9 resolution signify its determination to create a Utility District under the provisions of
10 this act. The resolution shall be adopted after a public hearing thereon, notice of
11 which hearing shall be given by publication at least once, not less than 10 days prior
12 to the date fixed for the hearing, in a newspaper having a general circulation in the
13 county. The notice shall contain a brief statement of the substance of the proposed
14 resolution, shall set forth the boundaries of the district, and shall state the time and
15 place of the public hearing. No other publication of the resolution is required under
16 the provisions of any other law.

17 Section 2.(b) The resolution shall include articles of incorporation which
18 shall set forth:

- 19 (1) The name of the district;
20 (2) A statement that the district is organized under this act; and
21 (3) A description of the boundaries, which may include any territory
22 designated by the county board of commissioners that is not in the
23 corporate limits of any municipality.

1 Section 2.(c) No territory may be in more than one district.

2 Section 2.(d) All territory of a district shall be within the county.

3 Section 2.(e) A certified copy of the resolution signifying the
4 determination to organize a district under the provisions of this act shall be filed with
5 the Secretary of State, together with proof of publication of the notice of hearing on
6 the resolution. If the Secretary of State finds that the resolution, including the articles
7 of incorporation, conforms to the provisions of this act and that the notice of hearing
8 was properly published, the Secretary of State shall file the resolution and proof of
9 publication in the records of that office, shall issue a certificate of incorporation
10 under the seal of the State, and shall record the same in an appropriate book of
11 record. The issuance of the certificate of incorporation by the Secretary of State shall
12 constitute the district, a public body and body politic and corporate of the State of
13 North Carolina. This certificate of incorporation shall be conclusive evidence of the
14 fact that the district has been duly created and established under the provisions of
15 this act.

16 Section 2.(f) When the district has been duly organized and its officers
17 appointed as provided by this act, the secretary or clerk of the district shall certify to
18 the Secretary of State the names and addresses of the officers as well as the address of
19 the principal office of the district.

20 Section 3.(a) Annexation to District. By adoption of a resolution, and
21 with the approval of the board of commissioners of a county by resolution, any
22 municipality located wholly within that county may annex the entirety of that
23 municipality to any Utility District created by this act, but no municipality may be in
24 more than one district. The resolution shall be adopted by the municipal governing
25 board after a public hearing thereon, notice of which hearing shall be given by
26 publication at least once, not less than 10 days prior to the date fixed for the hearing,
27 in a newspaper having a general circulation in the county. The notice shall contain a
28 brief statement of the substance of the proposed resolution and shall state the time
29 and place of the public hearing. No other publication of the resolution is required
30 under the provisions of any other law.

31 Section 3.(b) By adoption of a resolution, the board of commissioners of
32 a county may annex any area within that county but not within the corporate limits
33 of any municipality to a Utility District, but no area may be in more than one district.
34 The resolution shall be adopted by the county board of commissioners after a public
35 hearing thereon, notice of which hearing shall be given by publication at least once,
36 not less than 10 days prior to the date fixed for the hearing, in a newspaper having a
37 general circulation in the county. The notice shall contain a brief statement of the
38 substance of the proposed resolution, the boundaries of the proposed annexation, and
39 shall state the time and place of the public hearing. No other publication of the
40 resolution is required under the provisions of any other law.

41 Section 3.(c) If any area in a Utility District is annexed to the corporate
42 limits of any municipality, it shall remain in the same Utility District notwithstanding
43 any other provision of this act.

1 Section 4.(a) Governing Board. Each Utility District shall be governed
2 by a special commission consisting of one person appointed by the board of
3 commissioners of that county, one nonvoting member appointed by the board of
4 commissioners of the county who has been recommended by each local telephone
5 exchange carrier licensed to do business in North Carolina and providing service in
6 that county, one nonvoting member appointed by the board of commissioners of the
7 county who has been recommended by each electric utility provider in the county,
8 one nonvoting member appointed by the board of commissioners of the county who
9 has been recommended by each cable television provider in the county, and one
10 person appointed by the governing board of each municipality that has annexed its
11 territory to the district under Section 3(a) of this act.

12 Section 4.(b) In the case of Dare County, one person shall also be
13 appointed to the Special Commission by the Roanoke Island Commission established
14 by Part 27A of Article 2 of Chapter 143B of the General Statutes. Appointments
15 shall be for two-year terms.

16 Section 5.(a) Powers. By resolution the board of commissioners of the
17 county, acting ex officio on behalf of the Utility District, may levy an assessment of
18 up to:

- 19 (1) One dollar (\$1.00) per month on each residential electric power
20 customer bill for service within the district, and up to five dollars
21 (\$5.00) per month on each commercial or industrial electric power
22 customer bill within the district.
- 23 (2) One dollar (\$1.00) per month on each residential telephone
24 customer bill for service within the district and up to five dollars
25 (\$5.00) per month on each commercial or industrial telephone
26 customer bill within the district.

27 Section 5.(b) The Utility District may receive contributions from the State
28 of North Carolina, local governments, and the private sector for corporate purposes
29 authorized by this act.

30 Section 5.(c) The commission may contract with the State of North
31 Carolina, another local government, or a private entity for carrying out the projects
32 authorized by this act. Any State, local government, or other entity which carries out
33 projects authorized by this act, or otherwise takes action affecting any company
34 whose lines are effected pursuant to the terms of this act shall remain fully liable for
35 any damages to company property. Any private sector entity with which the district
36 wishes to contract to carry out projects authorized by this act must be approved in
37 writing in advance by each company whose facilities will be affected and must carry
38 sufficient insurance to cover any damages caused.

39 Section 5.(d) The board of commissioners may exempt from payment of
40 the assessment on an electric bill any person for whom the payment would work an
41 unreasonable financial hardship in accordance with criteria established by the board
42 of commissioners. The board of commissioners shall exempt from payment of the
43 assessment on a telephone bill those low-income residential telephone customers who

1 pay reduced rates for local telephone service pursuant to an order of the North
2 Carolina Utilities Commission.

3 Section 5.(e) The commission may order any cable television lines (or
4 other lines other than electric or telephone) to be undergrounded when any electric
5 or telephone line on the same pole is undergrounded.

6 Section 6. Use of Funds. The assessments levied under this act, after
7 being expended for the necessary administrative expenses of the utility district, shall
8 be used only for undergrounding of electric and telephone utility lines within the
9 district. The budget for the Utility District shall be adopted by the special
10 commission for that district. The budget shall include funding to pay for the
11 installation of conduit for underground telephone cable, where required.

12 Section 7. Corporate Existence. A Utility District created under this act
13 shall have the power granted by this act, and may do all acts reasonably necessary to
14 fulfill this purpose. A simple majority of the governing board constitutes a quorum,
15 and approval by a majority of those present is sufficient to determine any matter
16 before the governing body, if a quorum is present.

17 Section 8. Fiscal Control. The Utility District is a special district under
18 G.S. 159-7 and is covered by the applicable provisions of Chapter 159 of the General
19 Statutes.

20 Section 9.(a) Levy. An assessment authorized by this act may be levied
21 only by resolution, after not less than 10 days' public notice and after a public
22 hearing held pursuant thereto. An assessment authorized by this act shall become
23 effective on the date specified in the resolution levying the assessment. That date
24 must be the first day of a calendar month, however, and may not be earlier than the
25 first day of the third month after the date the resolution is adopted. In establishing
26 the effective date, the board of commissioners shall consult with any utility that will
27 be collecting the assessment to determine any administrative lead times that might be
28 desirable.

29 Section 9.(b) Collection. Every utility subject to an assessment
30 authorized by this act shall, on and after the effective date of the levy of the
31 assessment, collect it. The assessment shall be collected as part of the charge for
32 furnishing service. The assessment shall be stated and charged separately and shall be
33 paid by the purchaser to the utility as trustee for and on account of the Utility
34 District. The assessment shall be passed on to the purchaser instead of being borne
35 by the utility. The Utility District shall design, print, and furnish to all appropriate
36 utilities in the district the necessary forms for filing returns and instructions to ensure
37 the full collection of the assessment. A utility who collects an assessment authorized
38 by this act may deduct from the amount remitted to the Utility District a discount
39 equal to the discount the State allows the utility for State sales and use tax. For the
40 purpose of this act, a utility includes a government entity providing service, a
41 cooperative, and any other utility. A utility shall have the same right to suspend or
42 terminate service for nonpayment of the assessment that it has to suspend or
43 terminate service for payment of any other part of the utility bill. A utility has no
44 obligation to take any legal action to enforce the collection of assessments under this

1 act. The county or the district may initiate a collection action in its name and
2 reasonable costs and attorneys' fees may be awarded to the plaintiff.

3 Section 9.(c) Administration. The Utility District shall administer an
4 assessment it levies under this act. An assessment authorized by this act is due and
5 payable to the district finance officer in monthly installments on or before the last
6 day of the month following the month in which the assessment accrues. Every
7 person, firm, corporation, or association liable for the assessment shall, on or before
8 the 15th day of each month, prepare and render a return on a form prescribed by the
9 Utility District. The return shall state the total gross receipts derived in the preceding
10 month upon which the assessment is levied. A return filed with the district finance
11 officer is not a public record and may not be disclosed except in accordance with
12 G.S. 153A-148.1 as if the Utility District were a county. The Utility District may
13 adopt a payment schedule keyed to the billing cycle of the utility collecting the
14 assessment rather than the calendar month, as long as there are at least 12 billing
15 cycles per year.

16 Section 9.(d) Penalties. A person, firm, corporation, or association who
17 fails or refuses to file an assessment return or pay an assessment authorized by this act
18 as required by law is subject to the civil and criminal penalties set by G.S. 105-236
19 for failure to pay or file a return for State sales and use taxes. The governing board
20 of the Utility District has the same authority to waive the penalties for an assessment
21 authorized by this act that the Secretary of Revenue has to waive the penalties for
22 State sales and use taxes.

23 Section 9.(e) Increase, Repeal, or Reduction. An assessment levied by a
24 district under this act may be increased not in excess of the maximum allowed by this
25 act, repealed or reduced by a resolution adopted by the board of commissioners of
26 the county, acting ex officio on behalf of the Utility District. Repeal or reduction of
27 an assessment authorized by this act shall become effective on the first day of a
28 month and may not be earlier than the first day of the third month after the date the
29 resolution is adopted. Repeal or reduction of an assessment authorized by this act
30 does not affect a liability for an assessment that was attached before the effective date
31 of the repeal or reduction, nor does it affect a right to a refund of an assessment that
32 accrued before the effective date of the repeal or reduction. In establishing the
33 effective date, the board of commissioners shall consult with any utility that will be
34 collecting the assessment to determine any administrative lead times that might be
35 desirable. Once the lines have been undergrounded and the costs have been paid,
36 the board of commissioners shall terminate the assessment.

37 Section 10. Interlocal Agreements. By interlocal agreement adopted
38 under Chapter 160A of the General Statutes, a Utility District created under this act
39 may contract with a municipality or county to handle assessment collections and
40 fiscal control.

41 Section 11.(a) The district shall coordinate with affected utilities,
42 municipalities, and the North Carolina Department of Transportation to facilitate
43 acquisition of rights-of-way for burial of cable.

- 1 Section 11.(b) The undergrounding required by this act shall be a
- 2 coordinated effort between the utility district and the affected electric, telephone, and
- 3 cable television companies.
- 4 Section 12. The State Auditor may perform audits pursuant to Article 5A
- 5 of Chapter 147 of the General Statutes to ensure that funds collected by or paid to
- 6 the Utility District are being managed in accordance with the provisions of this act,
- 7 and shall perform an audit at least every two years. The costs of the audit shall be
- 8 reimbursed to the State Auditor by the Utility District.
- 9 Section 13. This act applies to Dare County only.
- 10 Section 14. Sections 1.1 through 11 of S.L. 1999-127 are repealed.
- 11 Section 15. This act is effective when it becomes law.

**2000 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES**

The following report(s) from standing committee(s) is/are presented:

By Representative(s) **Culpepper** for the Committee on Rules, Calendar and Operations of the House.

Committee Substitute for
H.R. 1864 A HOUSE RESOLUTION HONORING THE MEMORY OF THE AMERICAN MEN AND WOMEN WHO GAVE THEIR LIVES IN THE KOREAN WAR ON THE 50TH ANNIVERSARY OF THE BEGINNING OF THE WAR.

- With a favorable report.
- With a favorable report and recommendation that the bill be re-referred to the Committee on Appropriations Finance .
- With a favorable report, as amended.
- With a favorable report, as amended, and recommendation that the bill be re-referred to the Committee on Appropriations Finance .
- With a favorable report as to committee substitute bill (#), which changes the title, unfavorable as to (original bill) (Committee Substitute Bill #), (and recommendation that the committee substitute bill #) be re-referred to the Committee on .)
- With a favorable report as to House committee substitute bill (#), which changes the title, unfavorable as to Senate committee substitute bill.
- With an unfavorable report.
- With recommendation that the House concur.
- With recommendation that the House do not concur.
- With recommendation that the House do not concur; request conferees.
- With recommendation that the House concur; committee believes bill to be material.
- With an unfavorable report, with a Minority Report attached.
- Without prejudice.
- With an indefinite postponement report.
- With an indefinite postponement report, with a Minority Report attached.
- With recommendation that committee substitute resolution be adopted, unfavorable as to the original resolution. (HOUSE RESOLUTION ONLY)

5/25/00

**2000 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES**

The following report(s) from standing committee(s) is/are presented:

By Representative(s) **Culpepper** for the Committee on **Rules, Calendar and Operations of the House.**

Committee Substitute for

H.B. 1777 A BILL TO BE ENTITLED AN ACT TO ALLOW DARE COUNTY TO EXPAND THE PURPOSE OF SPECIAL TAX DISTRICTS TO UNDERGROUND ELECTRIC UTILITY LINES SO AS TO ALLOW UNDERGROUNDING OF TELEPHONE AND CABLE TELEVISION LINES.

With a favorable report.

With a favorable report and recommendation that the bill be re-referred to the Committee on Appropriations Finance .

With a favorable report, as amended.

With a favorable report, as amended, and recommendation that the bill be re-referred to the Committee on Appropriations Finance .

With a favorable report as to committee substitute bill, which changes the title, unfavorable as to original bill, and recommendation that the committee substitute bill be re-referred to the Committee on Finance.

With a favorable report as to House committee substitute bill (#), which changes the title, unfavorable as to Senate committee substitute bill.

With an unfavorable report.

With recommendation that the House concur.

With recommendation that the House do not concur.

With recommendation that the House do not concur; request conferees.

With recommendation that the House concur; committee believes bill to be material.

With an unfavorable report, with a Minority Report attached.

Without prejudice.

With an indefinite postponement report.

With an indefinite postponement report, with a Minority Report attached.

With recommendation that it be adopted. (HOUSE RESOLUTION ONLY)

5/25/00

MINUTES OF THE COMMITTEE ON RULES, CALENDAR AND OPERATIONS OF
THE HOUSE

June 22, 2000

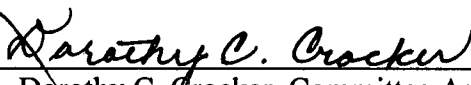
The Committee on Rules, Calendar and Operations of the House met on June 22, 2000 at 3:05 p.m. in Room 421 of the Legislative Office Building. The following members were present: Representatives Culpepper, Chairman; Hackney, Vice Chairman; Alexander, Allen, Crawford, Gibson, Gulley, Hill, Jarrell, Luebke, McCombs, Michaux, Tolson, Wood, Yongue and ex officio member Baddour, Majority Leader.

The following bill was considered:

COMMITTEE SUBSTITUTE FOR HOUSE BILL 1537 – AN ACT TO PROVIDE FOR THE PROMPT PAYMENT OF CLAIMS UNDER HEALTH BENEFIT PLANS, TO MAKE CONFORMING AMENDMENTS TO RELATED CLAIM PAYMENT LAWS, TO PROVIDE STANDARDS FOR THE ESTABLISHMENT AND MAINTENANCE OF EXTERNAL REVIEW PROCEDURES IN HEALTH INSURANCE AND MANAGED CARE TO ASSURE THAT COVERED PERSONS HAVE THE OPPORTUNITY FOR AN INDEPENDENT REVIEW OF A HEALTH BENEFIT PLAN COVERAGE DECISION MADE BY THE INSURER OR MANAGED CARE PLAN; AND TO MAKE CONFORMING AMENDMENTS TO EXISTING LAWS ON UTILIZATION REVIEW AND GRIEVANCES. Representative Nye offered an amendment and was recognized to explain the amendment. He explained that the amendment removes the provider directories, the patient access to quality managed health care and health plan disclosure requirements sections from the bill. He stated that there had been concern and confusion about those sections, and they were being removed to improve the bill. He then moved for adoption of the amendment, and following discussion, the motion carried. Representative Baddour made a motion that the amendment be incorporated into a new committee substitute, that the new committee substitute be given a favorable report, unfavorable as to original committee substitute. Following further discussion, the motion passed.

There being no further business, the meeting adjourned at 3:20 p.m.


Representative Bill Culpepper, Chairman


Dorothy C. Crocker, Committee Assistant

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1999

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HOUSE BILL 1537*
Committee Substitute Favorable 6/21/00

Short Title: Prompt Pay/Patient Protection.

(Public)

Sponsors:

Referred to:

May 16, 2000

1 A BILL TO BE ENTITLED
2 AN ACT TO PROVIDE FOR THE PROMPT PAYMENT OF CLAIMS UNDER
3 HEALTH BENEFIT PLANS, TO MAKE CONFORMING AMENDMENTS TO
4 RELATED CLAIM PAYMENT LAWS, TO PROVIDE STANDARDS FOR THE
5 ESTABLISHMENT AND MAINTENANCE OF EXTERNAL REVIEW
6 PROCEDURES IN HEALTH INSURANCE AND MANAGED CARE TO
7 ASSURE THAT COVERED PERSONS HAVE THE OPPORTUNITY FOR AN
8 INDEPENDENT REVIEW OF A HEALTH BENEFIT PLAN COVERAGE
9 DECISION MADE BY THE INSURER OR MANAGED CARE PLAN; AND TO
10 MAKE CONFORMING AMENDMENTS TO EXISTING LAWS ON
11 UTILIZATION REVIEW AND GRIEVANCES.

12 The General Assembly of North Carolina enacts:

13 PART I. PROMPT PAY.

14 Section 1. Article 3 of Chapter 58 of the General Statutes is amended by
15 adding new sections to read:

16 "**§ 58-3-225. Prompt claim payments under health benefit plans.**

17 (a) As used in this section:

18 (1) 'Health benefit plan' means an accident and health insurance
19 policy or certificate; a nonprofit hospital or medical service
20 corporation contract; a health maintenance organization subscriber
21 contract; a plan provided by a multiple employer welfare
22 arrangement; or a plan provided by another benefit arrangement,
23 to the extent permitted by the Employee Retirement Income

1 Security Act of 1974, as amended, or by any waiver of or other
2 exception to that act provided under federal law or regulation.
3 'Health benefit plan' does not mean any plan implemented or
4 administered by the North Carolina or United States Department
5 of Health and Human Services, or any successor agency, or its
6 representatives. 'Health benefit plan' also does not mean any of the
7 following kinds of insurance:

8 a. Credit.

9 b. Disability income.

10 c. Coverage issued as a supplement to liability insurance.

11 d. Hospital income or indemnity.

12 e. Insurance under which benefits are payable with or without
13 regard to fault and that is statutorily required to be
14 contained in any liability policy or equivalent self-insurance.

15 f. Long-term or nursing home care.

16 g. Medical payments under motor vehicle or homeowners'
17 insurance policies.

18 h. Medicare supplement.

19 i. Short-term limited duration health insurance policies as
20 defined in Part 144 of Title 45 of the Code of Federal
21 Regulations.

22 j. Workers' compensation.

23 (2) 'Claimant' includes a health care provider or facility that is
24 responsible under contract with the insurer or by valid assignment
25 of benefits for directly making the claim with an insurer, an
26 insured, or an insured's legal representative.

27 (3) 'Health care facility' means a facility that is licensed under
28 Chapter 131E or Chapter 122C of the General Statutes or is owned
29 or operated by the State of North Carolina in which health care
30 services are provided to patients.

31 (4) 'Health care provider' means an individual who is licensed,
32 certified, or otherwise authorized under Chapter 90 of the General
33 Statutes to provide health care services in the ordinary course of
34 business or practice of a profession or in an approved education or
35 training program.

36 (5) 'Insurer' includes an insurance company subject to this Chapter, a
37 service corporation organized under Article 65 of this Chapter, a
38 health maintenance organization organized under Article 67 of this
39 Chapter, or a multiple employer welfare arrangement subject to
40 Article 49 of this Chapter, that writes a health benefit plan.

41 (b) An insurer shall, within 30 days after receipt of a claim, send by electronic or
42 paper mail to the claimant:

43 (1) Payment of the claim.

44 (2) Notice of denial of the claim.

- 1 (3) Notice that the proof of loss is inadequate or incomplete, or
2 (4) Notice that the claim is not submitted on the form required by the
3 health benefit plan, by the contract between the insurer and health
4 care provider or health care facility, or by applicable law.
5 (5) Notice that coordination of benefits information is needed in order
6 to pay the claim.
7 (6) Notice that the claim is pending based on nonpayment of fees or
8 premiums.

9 For purposes of this section, an insurer is presumed to have received a written claim
10 five business days after the claim has been placed first-class postage prepaid in the
11 United States mail and an electronic claim on the day the claim is electronically
12 transmitted.

13 (c) If the claim is denied, the notice shall include the specific good faith reason or
14 reasons for the denial, including, without limitation, coordination of benefits, lack of
15 eligibility, or lack of coverage for the services provided. If the claim is contested or
16 cannot be paid because the proof of loss is inadequate or incomplete, or not paid
17 pending receipt of requested coordination of benefits information, the notice shall
18 contain the specific good faith reason or reasons why the claim has not been paid and
19 an itemization or description of all of the information needed by the insurer to
20 complete the processing of the claim. If all or part of the claim is contested or
21 cannot be paid because of the application of a specific utilization management or
22 medical necessity standard is not satisfied, the notice shall contain that utilization
23 management or medical necessity standard. If the claim is contested or cannot be
24 paid because of nonpayment of premiums, the notice shall contain a statement
25 advising the claimant of the nonpayment of premiums. If a claim is not paid pending
26 receipt of requested coordination of benefits information, the notice shall so specify.
27 If a claim is denied or contested in part, the insurer shall pay the undisputed portion
28 of the claim within 30 days after receipt of the claim and send the notice of the
29 denial or contested status within 30 days after receipt of the claim. If a claim is
30 contested or cannot be paid because the claim was not submitted on the required
31 form, the notice shall contain the required form, if the form is other than a UB or
32 HCFA form, and instructions to complete that form. Upon receipt of additional
33 information requested in its notice to the claimant, the insurer shall continue
34 processing the claim and pay or deny the claim within 30 days after receiving the
35 additional information.

36 (d) If an insurer requests additional information under subsection (c) of this
37 section and the insurer does not receive the additional information within 90 days
38 after the request was made, the insurer shall deny the claim and send the notice of
39 denial to the claimant in accordance with subsection (c) of this section. The insurer
40 shall include the specific reason or reasons for denial in the notice, including the fact
41 that information that was requested was not provided. The insurer shall inform the
42 claimant in the notice that the claim will be reopened if the information previously
43 requested is submitted to the insurer within one year after the date of the denial
44 notice closing the claim.

1 (e) In order to facilitate submission of complete claims by providers, insurers shall
2 provide to providers treatment codes and payments applicable to each treatment code
3 used by the insurer to process claims.

4 (f) Health benefit plan claim payments that are not made in accordance with this
5 section shall bear interest at the rate of one and one half (1.5%) percent per month,
6 compounded daily, beginning on the date on which the claim should have been paid.
7 If additional information was requested by the insurer under subsection (b) of this
8 section, interest on health benefit claim payments shall begin to accrue on the 31st
9 day after the insurer received the additional information. A payment is considered
10 made on the date upon which a check, draft, or other valid negotiable instrument is
11 placed in the United States Postal Service in a properly addressed, postpaid envelope,
12 or, if not mailed, on the date of the electronic transfer or other delivery of the
13 payment to the claimant. This subsection does not apply to claims for benefits that
14 are not covered by the health benefit plan; nor does this subsection apply to
15 deductibles, co-payments, or other amounts for which the insurer is not liable.

16 (g) Insurers may require that claims be submitted not less than 180 days after the
17 date of the provision of care to the patient by the health care provider and, in the
18 case of health care provider facility claims, not less than 180 days after the date of the
19 patient's discharge from the facility. Unless otherwise agreed to by the insurer and
20 the claimant, failure to submit a claim within the time required does not invalidate or
21 reduce any claim if it was not reasonably possible for the claimant to file the claim
22 within that time, provided that the claim is submitted as soon as reasonably possible
23 and in no event, except in the absence of legal capacity of the insured, later than one
24 year from the time submittal of the claim is otherwise required.

25 (h) If a claim for which the claimant is a health care provider or health care
26 facility has not been paid within 60 days after receipt of the initial claim, the insurer
27 shall send a claim status report to the insured. Provided, however, that the claims
28 status report is not required during the time an insurer is awaiting information
29 requested under subsection (c) of this section. The report shall indicate that the
30 claim is under review and the insurer is communicating with the health care provider
31 or health care facility to resolve the matter. While a claim remains unresolved, the
32 insurer shall send a claim status report to the insured every 30 days after the previous
33 report was sent.

34 (i) To the extent permitted by the contract between the insurer and the health
35 care provider or health care facility, the insurer may recover overpayments made to
36 the health care provider or health care facility by making demands for refunds and by
37 offsetting future payments. Any such recoveries may also include related interest
38 payments that were made under the requirements of this section. Recoveries by the
39 insurer must be accompanied by the specific reason and adequate information to
40 identify the specific claim. To the extent permitted by the contract between the
41 insurer and the health care provider or health care facility, the health care provider
42 or health care facility may recover underpayments or nonpayments by the insurer by
43 making demands for refunds. Any such recoveries by the health care provider or
44 health care facility of underpayments or nonpayment by the insurer may include

1 applicable interest under this section. The period for which such recoveries may be
2 made may be specified in the contract between the insurer and health care provider
3 or health care facility.

4 (j) Every insurer shall maintain records of its activities under this section,
5 including records of when each claim was received, paid, denied, or pended, and the
6 insurer's review and handling of each claim under this section, as well as
7 documentation sufficient to demonstrate compliance with this section.

8 (k) A violation of this section by an insurer subjects the insurer to the sanctions in
9 G.S. 58-2-70. The authority of the Commissioner under this subsection does not
10 impair the right of a claimant to pursue any other action or remedy available under
11 law.

12 (l) An insurer is not in violation of this section nor subject to interest payments
13 under this section if its failure to comply with this section is caused in material part
14 by (i) the person submitting the claim, or (ii) by matters beyond the insurer's
15 reasonable control, including an act of God, insurrection, strike, fire, or power
16 outages. In addition, an insurer is not in violation of this section or subject to interest
17 payments to the claimant under this section if the insurer has a reasonable basis to
18 believe that the claim was submitted fraudulently and notifies the claimant of the
19 alleged fraud.

20 (m) This section does not apply to claims processed by an insurer on claims
21 adjudication software that was implemented prior to January 1, 1982, provided that
22 the insurer:

23 (1) Verifies with the Commissioner that its claims adjudication
24 software complies with this subsection; and

25 (2) Is implementing a new claims adjudication software system and is
26 proceeding in good faith to move all claims to the new system as
27 soon as possible and in any event no later than December 31, 2002.

28 This subsection expires January 1, 2003.

29 (n) The Commissioner shall adopt rules to implement this section.

30 "§ 58-3-226. Reports on prompt processing.

31 (a) As used in this section, the terms 'insurer' and 'claimant' have the meaning
32 applied in G.S. 58-3-225.

33 (b) An insurer shall file with the Commissioner quarterly reports that contain all of
34 the following:

35 (1) The number and percentage of total claims received by the insurer
36 during the prior quarter.

37 (2) The number and percentage of claims processed in which the
38 claimant was required to submit additional information to facilitate
39 processing.

40 (3) The number and percentage of claims in which the claimant was
41 notified that proof of loss was inadequate or incomplete, or
42 notified that the claim was not submitted on the required form.

43 (4) The value and percentage of total claims paid within 30 calendar
44 days of receipt of the claim.

- 1 (5) The value and percentage of total claims in which the undisputed
2 portion was paid within 30 days of receipt of the claim.
3 (6) The number and percentage of total claims that were denied
4 because the insurer did not receive additional information within
5 90 days after the request for additional information was made.
6 (7) The number and percentage of total claims paid within 30 calendar
7 days of receipt of additional information from the claimant.
8 (8) The total dollar amount of penalties and interest paid by the
9 insurer pursuant to G.S. 58-3-225.

10 (c) An insurer shall file the reports required by this section on or before the first
11 day of each quarter. The Commissioner shall make the reports available for public
12 inspection immediately upon receipt of the report."

13 Section 2. G.S. 58-3-100(c) reads as rewritten:

14 "(c) The Commissioner may impose a civil penalty under G.S. 58-2-70 if an
15 HMO, service corporation, MEWA, or insurer fails to acknowledge a claim within 30
16 days after receiving written notice of the claim, but only if the notice contains
17 sufficient information for the insurer to identify the specific coverage involved.
18 Acknowledgement of the claim shall be made to the claimant or his legal
19 representative advising that the claim is being investigated; or shall be a payment of
20 the claim; or shall be a bona fide written offer of settlement; or shall be a written
21 denial of the claim. A claimant includes an insured, a health care provider, or a
22 health care facility that is responsible for directly making the claim with an insurer.
23 This subsection does not apply to insurers subject to G.S. 58-3-225."

24 Section 3. G.S. 58-51-15(a)(7) reads as rewritten:

25 "(7) A provision in the substance of the following language:

26 PROOFS OF LOSS: Written proof of loss must be furnished to the
27 insurer at its said office in the case of a claim for loss for which
28 this policy provides any periodic payment contingent upon
29 continuing loss within ~~90~~ 180 days after the termination of the
30 period for which the insurer is liable and in case of a claim for any
31 other loss within ~~90~~ 180 days after the date of such loss. Failure to
32 furnish such proof within the time required shall not invalidate nor
33 reduce any claim if it was not reasonably possible to give proof
34 within such time, provided such proof is furnished as soon as
35 reasonably possible and in no event, except in the absence of legal
36 capacity, capacity of the insured, later than one year from the time
37 proof is otherwise required."
38

39 PART II. EXTERNAL REVIEW/MANAGED CARE.

40 Section 4. The title of Article 50 of Chapter 58 of the General Statutes
41 reads as rewritten:

42 "ARTICLE 50.

43 General Accident and Health Insurance Regulations."

1 Section 5. Article 50 of Chapter 58 of the General Statutes is amended
2 as follows:

- 3 (1) By designating G.S. 58-50-1 through G.S. 58-50-45 as Part 1 with
4 the heading "Miscellaneous Provisions."
- 5 (2) By designating G.S. 58-50-50 through G.S. 58-50-64 as Part 2 with
6 the heading "PPOs, Utilization Review and Grievances."
- 7 (3) By designating G.S. 58-50-65 through G.S. 58-50-70 as Part 3 with
8 the heading "Scope and Sanctions."
- 9 (4) By designating G.S. 58-50-75 through G.S. 58-50-95 as Part 4 with
10 the heading "Health Benefit Plan External Review."
- 11 (5) By designating G.S. 58-50-100 through G.S. 58-50-156 as Part 5
12 with the heading "Small Employer Group Health Insurance
13 Reform."

14 Section 6. G.S. 58-50-151 is recodified as G.S. 58-51-116.

15 Section 7. The prefatory language of G.S. 58-50-61(a) reads as rewritten:
16 "(a) Definitions. -- As used in this section ~~and section~~ in G.S. 58-50-62, and in
17 Part 4 of this Article, the term:"

18 Section 8. Article 50 of Chapter 58 of the General Statutes is amended by
19 adding a new Part to read:

20 "Part 4. Health Benefit Plan External Review.

21 "§ 58-50-75. Purpose, scope, and definitions.

22 (a) The purpose of this Part is to provide standards for the establishment and
23 maintenance of external review procedures to assure that covered persons have the
24 opportunity for an independent review of a noncertification decision, an appeal
25 decision upholding a noncertification, or a second-level grievance review decision
26 upholding a noncertification, as defined in this Part.

27 (b) This Part applies to all persons that provide or perform utilization review.
28 With respect to second-level grievance review decisions, this Part applies only to
29 second-level grievance review decisions involving noncertification decisions.

30 (c) In addition to the definitions in G.S. 58-50-61(a), as used in this Part:

31 (1) 'Covered benefits' or 'benefits' means those benefits consisting of
32 medical care, provided directly through insurance or otherwise and
33 including items and services paid for as medical care, under the
34 terms of a health benefit plan.

35 (2) 'Disclose' means to release, transfer, or otherwise divulge protected
36 health information to any person other than the individual's health
37 care provider or the individual who is the subject of the protected
38 health information or the individual's legal guardian, including the
39 custodial parent(s) of a minor child.

40 (3) 'Health information' means information or data, whether oral or
41 recorded in any form or medium, and personal facts or information
42 about events or relationships that relates to: the past, present, or
43 future physical, mental, or behavioral health or condition of an
44 individual or a member of the individual's family; the provision of

1 health care services to an individual; or payment for the provision
2 of health care services to an individual.

3 (4) 'Independent review organization' or 'organization' means an
4 entity that conducts independent external reviews of appeals of
5 noncertifications and second-level grievance review decisions.

6 (5) 'Protected health information' means health information that
7 directly identifies an individual who is the subject of the
8 information; or with respect to which there is a reasonable basis to
9 believe that the information could be used to directly identify an
10 individual.

11 (6) 'Valid authorization' means an authorization obtained from an
12 individual or the individual's legal guardian, including a custodial
13 parent of a minor child in writing, electronic, or other form that
14 indicates the individual's consent to the disclosure of protected
15 health information for the purposes set out in G.S. 58-50-77(e).

16 **"§ 58-50-76:** Reserved for future codification.

17 **"§ 58-50-77. Notice of right to external review.**

18 (a) An insurer shall notify the covered person in writing of the covered person's
19 right to request an external review and include the appropriate statements and
20 information set forth in this section at the time the insurer sends written notice of:

21 (1) A noncertification decision;

22 (2) An appeal decision under G.S. 58-50-61 upholding a
23 noncertification; and

24 (3) A second-level grievance review decision under G.S. 58-50-62
25 upholding the original noncertification.

26 (b) The insurer shall include in the notice required under subsection (a) of this
27 section:

28 (1) For a notice related to a noncertification decision, a statement
29 informing the covered person that if the covered person has a
30 medical condition where the time frame for completion of an
31 expedited appeal decision under G.S. 58-50-61(l) would reasonably
32 appear to seriously jeopardize the life or health of the covered
33 person or jeopardize the covered person's ability to regain
34 maximum function, the covered person may file a request for an
35 expedited external review under G.S. 58-50-82 at the same time
36 the covered person files a request for an expedited appeal under
37 G.S. 58-50-61(l), but that the organization assigned to conduct the
38 expedited external review will determine whether the covered
39 person shall be required to complete the expedited appeal before
40 conducting the expedited external review;

41 (2) For a notice related to an appeal decision upholding a
42 noncertification under G.S. 58-50-61, a statement informing the
43 covered person that if the covered person has a medical condition
44 where the time frame for completion of an expedited second-level

1 grievance review under G.S. 58-50-62(i) would reasonably appear
2 to seriously jeopardize the life or health of the covered person or
3 jeopardize the covered person's ability to regain maximum
4 function, the covered person may file a request for an expedited
5 external review under G.S. 58-50-82 at the same time the covered
6 person files a request for an expedited second-level grievance
7 review under G.S. 58-50-62(i), but that the organization assigned to
8 conduct the expedited external review will determine whether the
9 covered person shall be required to complete the expedited
10 second-level grievance review before conducting the expedited
11 external review;

12 (3) For a notice related to a final second-level grievance review
13 decision under G.S. 58-50-62, a statement informing the covered
14 person that if the covered person has a medical condition where
15 the time frame for completion of a standard external review under
16 G.S. 58-50-80 would reasonably appear to seriously jeopardize the
17 life or health of the covered person or jeopardize the covered
18 person's ability to regain maximum function, the covered person
19 may file a request for an expedited external review under G.S. 58-
20 50-82; and

21 (4) For a noncertification that concerns an admission, availability of
22 care, continued stay, or health care service for which the covered
23 person received emergency services, but has not been discharged
24 from a facility, a statement informing the covered person that the
25 covered person may request an expedited external review under
26 G.S. 58-50-82.

27 (c) The covered person may file a grievance under the insurer's internal grievance
28 process under G.S. 58-50-61 and G.S. 58-50-62, but if the insurer has not issued a
29 written decision to the covered person within 45 days after the date the covered
30 person files the grievance with the insurer and the covered person has not requested
31 or agreed to a delay, the covered person may file a request for external review under
32 G.S. 58-50-80 of this section and shall be considered to have exhausted the insurer's
33 internal grievance process for purposes of G.S. 58-50-79.

34 (d) In addition to the information to be provided under subsections (a) and (b) of
35 this section, the insurer shall include a copy of the description of both the standard
36 and expedited external review procedures the insurer is required to provide under
37 G.S. 58-50-93, including the provisions in the external review procedures that give
38 the covered person the opportunity to submit additional information.

39 (e) An insurer, agent, or contractor that has collected protected health
40 information under a valid authorization under this Part may use and disclose the
41 protected health information to a person acting on behalf of or at the direction of the
42 insurer for the performance of the insurer's insurance functions: claims
43 administration, claims adjustment and management, securing payment, assuring the
44 delivery of health care, fraud investigation, underwriting, loss control, rate-making

1 functions, reinsurance, risk management, case management, disease management,
2 quality assessment, quality improvement, provider credentialing verification,
3 utilization review, peer review activities, grievance procedures, policyholder service
4 functions, and internal administration of compliance, managerial, and information
5 systems. Additional insurance functions may be allowed for the purpose of this
6 subsection with the prior approval of the Commissioner. The protected health
7 information shall not be used or disclosed for any purpose other than those described
8 in this subsection.

9 (f) Except for a request for an expedited external review under G.S. 58-50-82, all
10 requests for external review shall be made in writing to the Commissioner.

11 "§ 58-50-78: Reserved for future codification.

12 "§ 58-50-79. Exhaustion of internal grievance process.

13 (a) Except as provided in subsections (d) through (g) of this section, a request for
14 an external review under G.S. 58-50-80 or G.S. 58-50-82 shall not be made until the
15 covered person has exhausted the insurer's internal grievance process under G.S. 58-
16 50-61 and G.S. 58-50-62.

17 (b) A covered person shall be considered to have exhausted the insurer's internal
18 grievance process for purposes of this section, if the covered person:

19 (1) Has filed a second-level grievance involving a noncertification
20 appeal decision under G.S. 58-50-62; and

21 (2) Except to the extent the covered person requested or agreed to a
22 delay, has not received a written decision on the grievance from
23 the insurer within 45 days since the date the covered person filed
24 the grievance with the insurer.

25 (c) Notwithstanding subsection (b) of this section, a covered person may not make
26 a request for an external review of a noncertification involving a retrospective review
27 determination made under G.S. 58-50-61 until the covered person has exhausted the
28 insurer's internal grievance process.

29 (d) At the same time a covered person files a request for an expedited appeal
30 involving a noncertification as set forth in G.S. 58-50-61(l), the covered person may
31 file a request for an expedited external review of the noncertification under G.S. 58-
32 50-82 if the covered person has a medical condition where the time frame for
33 completion of an expedited appeal involving a noncertification set forth in G.S. 58-
34 50-61(l) would reasonably appear to seriously jeopardize the life or health of the
35 covered person or jeopardize the covered person's ability to regain maximum
36 function. An insurer may waive its right to conduct an expedited appeal and allow
37 the covered person to proceed with an expedited external review of the
38 noncertification.

39 (e) Upon receipt of a request for an expedited external review under subsection
40 (d) of this section, the organization conducting the external review in accordance
41 with the provisions of G.S. 58-50-82 shall immediately determine whether the covered
42 person shall be required to complete the expedited appeal set forth in G.S. 58-50-
43 61(l) before it conducts the expedited external review, unless the insurer has waived
44 its right to conduct an expedited review of the appeal decision.

1 (f) Upon a determination made under subsection (e) of this section that the
2 covered person must first complete the expedited appeal process under G.S. 58-50-
3 61(l), the organization immediately shall notify the covered person and the insurer of
4 this determination and that it will not proceed with the expedited external review
5 under G.S. 58-50-82 until completion of the expedited appeal process and the
6 covered person's grievance at the completion of the expedited appeal process remains
7 unresolved.

8 (g) A request for an external review of a noncertification may be made before the
9 covered person has exhausted the insurer's internal grievance procedures under G.S.
10 58-50-61 and G.S. 58-50-62 whenever the insurer agrees to waive the exhaustion
11 requirement.

12 (h) If the requirement to exhaust the insurer's internal grievance procedures is
13 waived under subsection (g) of this section, the covered person may file a request in
14 writing for a standard external review as set forth in G.S. 58-50-80.

15 **"§ 58-50-80. Standard external review.**

16 (a) Within 60 days after the date of receipt of a notice of a noncertification appeal
17 decision or a second-level grievance review decision under G.S. 58-50-77, a covered
18 person may file a request for an external review with the Commissioner.

19 (b) Upon receipt of a request for an external review under subsection (a) of this
20 section, the Commissioner immediately shall notify and send a copy of the request to
21 the insurer that made the decision which is the subject of the request. The insurer
22 shall immediately submit to the Commissioner the information required for the
23 preliminary review under subsection (c) of this section.

24 (c) Within five business days after the date of receipt of a request for an external
25 review, the Commissioner shall complete a preliminary review of the request to
26 determine whether:

27 (1) The individual is or was a covered person in the health benefit
28 plan at the time the health care service was requested or, in the
29 case of a retrospective review, was a covered person in the health
30 benefit plan at the time the health care service was provided.

31 (2) The health care service that is the subject of the noncertification
32 appeal decision or the second-level grievance review decision
33 upholding a noncertification reasonably appears to be a covered
34 service under the covered person's health benefit plan.

35 (3) The covered person has exhausted the insurer's internal grievance
36 process under G.S. 58-50-62(i) unless the covered person is not
37 required to exhaust the insurer's internal grievance process under
38 G.S. 58-50-79.

39 (4) The covered person has provided all the information and forms
40 required by the Commissioner that are necessary to process an
41 external review, including the authorization form provided under
42 G.S. 58-50-77(e).

43 (d) Upon completion of the preliminary review under subsection (c) of this
44 section, the Commissioner immediately shall notify the covered person in writing

1 whether the request is complete and whether the request has been accepted for
2 external review.

3 (e) If the request is accepted for external review, the Commissioner shall:

4 (1) Include in the notice provided under subsection (d) of this section
5 a statement that the covered person may submit to the
6 Commissioner in writing within seven days after the date of the
7 notice additional information and supporting documentation that
8 the organization shall consider when conducting the external
9 review.

10 (2) Immediately notify the insurer in writing of the acceptance of the
11 request for external review.

12 (3) Provide the covered person and the covered person's provider with
13 a list of organizations approved under G.S. 58-50-85.

14 (4) Inform the covered person that the covered person has the right to
15 select the organization of his or her choice and notify the
16 Commissioner within five days after receipt of the notice, and that
17 if the covered person does not select an organization and inform
18 the Commissioner of the selection within five days after receipt of
19 the notice, the Commissioner will assign an organization to
20 conduct the external review.

21 (f) If the request is not complete, the Commissioner shall request from the
22 covered person the information or materials needed to make the request complete.
23 The covered person shall furnish the Commissioner with the requested information
24 or materials within 90 days after the date of the insurer's decision for which external
25 review is requested. If the request is not accepted for external review, the
26 Commissioner shall inform the covered person and the insurer in writing of the
27 reasons for its nonacceptance.

28 (g) If the insured does not select an organization of his or her choice and notify
29 the Commissioner of the selection within five days after receipt of the
30 Commissioner's notice under subsection (e) of this section, the Commissioner shall
31 systematically assign an appropriate independent review organization that has been
32 approved under G.S. 58-50-85 to conduct the external review. In reaching a decision,
33 the assigned organization is not bound by any decisions or conclusions reached
34 during the insurer's utilization review process or the insurer's internal grievance
35 process under G.S. 58-50-61 and G.S. 58-50-62.

36 (h) Within seven days after the date of receipt of the notice provided under
37 subsection (e) of this section, the insurer or its designee utilization review
38 organization shall provide to the assigned organization the documents and any
39 information considered in making the noncertification appeal decision or the second-
40 level grievance review decision. Except as provided in subsection (i) of this section,
41 failure by the insurer or its designee utilization review organization to provide the
42 documents and information within the time specified in this subsection shall not
43 delay the conduct of the external review.

1 (i) If the insurer or its utilization review organization fails to provide the
2 documents and information within the time specified in subsection (h) of this section,
3 the assigned organization may terminate the external review and make a decision to
4 reverse the noncertification appeal decision or the second-level grievance review
5 decision. Immediately upon making the decision under this subsection, the
6 organization shall notify the covered person, the insurer, and the Commissioner.

7 (j) The assigned organization shall review all of the information and documents
8 received under subsections (h) and (i) of this section and any other information
9 submitted in writing by the covered person under subsection (e) of this section that
10 has been forwarded to the organization by the Commissioner. Upon receipt of any
11 information submitted by the covered person under subsection (e) of this section, at
12 the same time the Commissioner forwards the information to the organization, the
13 Commissioner shall forward the information to the insurer.

14 (k) Upon receipt of the information required to be forwarded under subsection (j)
15 of this section, the insurer may reconsider its noncertification appeal decision or
16 second-level grievance review decision that is the subject of the external review.
17 Reconsideration by the insurer of its noncertification appeal decision or second-level
18 grievance review decision under this subsection shall not delay or terminate the
19 external review. The external review shall be terminated if the insurer decides, upon
20 completion of its reconsideration, to reverse its noncertification appeal decision or
21 second-level grievance review decision and provide coverage or payment for the
22 requested health care service that is the subject of the noncertification appeal
23 decision or second-level grievance review decision.

24 (l) Immediately upon making the decision to reverse its noncertification appeal
25 decision or second-level grievance review decision under subsection (k) of this
26 section, the insurer shall notify the covered person, the organization, and the
27 Commissioner in writing of its decision. The organization shall terminate the external
28 review upon receipt of the notice from the insurer sent under this subsection.

29 (m) In addition to the documents and information provided under subsections (h)
30 and (i) of this section, the assigned organization, to the extent the documents or
31 information are available and the organization considers them appropriate, shall
32 consider the following in reaching a decision:

- 33 (1) The covered person's medical records.
- 34 (2) The attending health care provider's recommendation.
- 35 (3) Consulting reports from appropriate health care providers and
36 other documents submitted by the insurer, covered person, or the
37 covered person's treating provider.
- 38 (4) The terms of coverage under the covered person's health benefit
39 plan with the insurer to ensure that the organization's decision
40 shall not be contrary to the terms of coverage under the covered
41 person's health benefit plan with the insurer.
- 42 (5) The most appropriate practice guidelines, which may include
43 generally accepted practice guidelines, evidence-based practice
44 guidelines, or any other practice guidelines developed by the

1 federal government, national or professional medical societies,
2 boards, and associations. Local practice guidelines may be used
3 when appropriate.

4 (6) Any applicable clinical review criteria developed and used by the
5 insurer or its designee utilization review organization.

6 (7) Medical necessity, as defined in G.S. 58-3-200(b).

7 (n) Within 45 days after the date of receipt by the Commissioner of the request
8 for external review, the assigned organization shall provide written notice of its
9 decision to uphold or reverse the noncertification appeal decision or second-level
10 grievance review decision to the covered person, the insurer, and the Commissioner.

11 (o) The organization shall include in the notice sent under subsection (n) of this
12 section:

13 (1) A general description of the reason for the request for external
14 review.

15 (2) The date the organization received the assignment from the
16 Commissioner to conduct the external review.

17 (3) The date the organization received information and documents
18 submitted by the covered person and by the insurer.

19 (4) The date the external review was conducted.

20 (5) The date of its decision.

21 (6) The principal reason or reasons for its decision.

22 (7) The clinical rationale for its decision.

23 (8) References to the evidence or documentation, including the
24 practice guidelines, considered in reaching its decision.

25 (9) The professional qualifications and licensure of the clinical peer
26 reviewers.

27 (10) Notice to the covered person that he or she is not liable for the
28 cost of the external review.

29 (p) Upon receipt of a notice of a decision under subsection (n) of this section
30 reversing the noncertification appeal decision or second-level grievance review
31 decision, the insurer immediately shall approve the coverage that was the subject of
32 the noncertification appeal decision or second-level grievance review decision.

33 "§ 58-50-81: Reserved for future codification.

34 "§ 58-50-82. Expedited external review.

35 (a) Except as provided in subsection (h) of this section, a covered person may
36 make a request for an expedited external review with the Commissioner at the time
37 the covered person receives:

38 (1) A noncertification decision where:

39 a. The covered person has a medical condition for which the
40 time frame for completion of an expedited appeal under
41 G.S. 58-50-61(1) would reasonably appear to seriously
42 jeopardize the life or health of the covered person or
43 jeopardize the covered person's ability to regain maximum
44 function; and

- 1 b. The covered person has filed a request for an expedited
2 appeal of a noncertification as set forth in G.S. 58-50-61(l);
3 or
4 (2) An appeal decision upholding a noncertification where:
5 a. The covered person has a medical condition for which the
6 time frame for completion of an expedited second-level
7 grievance review of a noncertification set forth in G.S. 58-
8 50-62(i) would reasonably appear to seriously jeopardize the
9 life or health of the covered person or jeopardize the
10 covered person's ability to regain maximum function; and
11 b. The covered person has filed a request for an expedited
12 second-level grievance review under G.S. 58-50-62(i); or
13 (3) A second-level grievance review decision upholding a
14 noncertification under G.S. 58-50-62(h) or (i) where the covered
15 person has a medical condition where the time frame for
16 completion of a standard external review under G.S. 58-50-80
17 would reasonably appear to seriously jeopardize the life or health
18 of the covered person or jeopardize the covered person's ability to
19 regain maximum function; or
20 (4) A noncertification decision that involves an admission, availability
21 of care, continued stay, or health care service for which the
22 covered person received emergency services, but has not been
23 discharged from a facility.
24 (b) At the time the Commissioner receives a request for an expedited external
25 review, the Commissioner immediately shall:
26 (1) Notify and provide a copy of the request to the insurer that made
27 the noncertification decision, the appeal decision involving a
28 noncertification, or the second-level grievance review decision
29 which is the subject of the request.
30 (2) For a request that the Commissioner has determined meets the
31 reviewability requirements set forth in G.S. 58-50-80(c), assign an
32 organization that has been approved under G.S. 58-50-87. The
33 organization shall immediately determine whether the request
34 should be reviewed on an expedited basis because the time frame
35 for completion of a standard external review under G.S. 58-50-80
36 would seriously jeopardize the life or health of the covered person
37 or would jeopardize the covered person's ability to regain
38 maximum function. The organization shall then inform the covered
39 person, insurer, and Commissioner of its determination and
40 conduct a review and make a decision on the review within the
41 appropriate time frame.
42 (c) In reaching a decision, the assigned organization is not bound by any decisions
43 or conclusions reached during the insurer's utilization review process or internal
44 grievance process under G.S. 58-50-61 and G.S. 58-50-62.

1 (d) At the time the insurer receives the notice under subsection (b) of this section,
2 the insurer or its designee utilization review organization shall immediately provide
3 or transmit all necessary documents and information considered in making the final
4 noncertification decision to the assigned organization electronically or by telephone
5 or facsimile or any other available expeditious method.

6 (e) In addition to the documents and information provided or transmitted under
7 subsection (d) of this section, the assigned organization, to the extent the information
8 or documents are available and the organization considers them appropriate, shall
9 consider the following in reaching a decision:

10 (1) The covered person's pertinent medical records.

11 (2) The attending health care provider's recommendation.

12 (3) Consulting reports from appropriate health care providers and
13 other documents submitted by the insurer, covered person, or the
14 covered person's treating provider.

15 (4) The terms of coverage under the covered person's health benefit
16 plan with the insurer to ensure that the organization's decision
17 shall not be contrary to the terms of coverage under the covered
18 person's health benefit plan with the insurer.

19 (5) The most appropriate practice guidelines, which may include
20 generally accepted practice guidelines, evidence-based practice
21 guidelines, or any other practice guidelines developed by the
22 federal government, national or professional medical societies,
23 boards, and associations. Local practice guidelines may be used
24 when appropriate.

25 (6) Any applicable clinical review criteria developed and used by the
26 insurer or its designee utilization review organization in making
27 noncertification decisions.

28 (7) Medical necessity, as defined in G.S. 58-3-200(b).

29 (f) As expeditiously as the covered person's medical condition or circumstances
30 require, but not more than four days after the date of receipt of the request for an
31 expedited external review, the assigned organization shall make a decision to uphold
32 or reverse the noncertification appeal decision or second-level grievance review
33 decision and notify the covered person, the insurer, and the Commissioner of the
34 decision.

35 (g) If the notice provided under subsection (f) of this section was not in writing,
36 within two days after the date of providing that notice, the assigned organization shall
37 provide written confirmation of the decision to the covered person, the insurer, and
38 the Commissioner and include the information set forth in G.S. 58-50-80(o). Upon
39 receipt of the notice, a decision under subsection (f) of this section reversing the
40 noncertification appeal decision or second-level grievance review decision, the
41 insurer immediately shall approve the coverage that was the subject of the
42 noncertification.

43 (h) An expedited external review may not be provided for retrospective
44 noncertifications.

1 "§ 58-50-83: Reserved for future codification.

2 "§ 58-50-84. Binding nature of external review decision.

3 (a) An external review decision is binding on the insurer.

4 (b) An external review decision is binding on the covered person except to the
5 extent the covered person has other remedies available under applicable federal or
6 State law.

7 (c) A covered person may not file a subsequent request for external review
8 involving the same noncertification appeal decision or second-level grievance review
9 decision for which the covered person has already received an external review
10 decision under this Part.

11 "§ 58-50-85. Approval of independent review organizations.

12 (a) The Commissioner shall approve independent review organizations eligible to
13 be assigned to conduct external reviews under this Part to ensure that an organization
14 satisfies the minimum qualifications established under G.S. 58-50-87. The
15 Commissioner shall develop an application form for initially approving and for
16 reapproving organizations to conduct external reviews.

17 (b) Any organization wishing to be approved to conduct external reviews under
18 this Part shall submit the application form and include with the form all
19 documentation and information necessary for the Commissioner to determine if the
20 organization satisfies the minimum qualifications established under G.S. 58-50-87.

21 (c) The Commissioner may, in his discretion, determine that accreditation by a
22 nationally recognized private accrediting entity with established and maintained
23 standards for independent review organizations that meet the minimum qualifications
24 established under G.S. 58-50-87 will cause an independent review organization to be
25 deemed to have met, in whole or in part, the requirements of this section and G.S.
26 58-50-87. A decision by the Commissioner to recognize an accreditation program for
27 the purpose of granting deemed status may be made only after reviewing the
28 accreditation standards and program information submitted by the accrediting body.
29 An independent review organization seeking deemed status due to its accreditation
30 shall submit original documentation issued by the accrediting body to demonstrate its
31 accreditation.

32 (d) The Commissioner may charge an application fee that independent review
33 organizations shall submit to the Commissioner with an application for approval and
34 reapproval.

35 (e) An approval is effective for two years, unless the Commissioner determines
36 before expiration of the approval that the independent review organization is not
37 satisfying the minimum qualifications established under G.S. 58-50-87.

38 (f) Whenever the Commissioner determines that an independent review
39 organization no longer satisfies the minimum requirements established under G.S. 58-
40 50-87, the Commissioner shall terminate the approval of the independent review
41 organization and remove the independent review organization from the list of
42 independent review organizations approved to conduct external reviews under this
43 Part that is maintained by the Commissioner under subsection (g) of this section.

1 (g) The Commissioner shall maintain and periodically update a list of approved
2 independent review organizations.

3 "§ 58-50-86: Reserved for future codification.

4 "§ 58-50-87. Minimum qualifications for independent review organizations.

5 (a) As a condition of approval under G.S. 58-50-85 to conduct external reviews,
6 an independent review organization shall have and maintain written policies and
7 procedures that govern all aspects of both the standard external review process and
8 the expedited external review process set forth in G.S. 58-50-80 and G.S. 58-50-82
9 that include, at a minimum:

10 (1) A quality assurance mechanism in place that ensures:

11 a. That external reviews are conducted within the specified
12 time frames and required notices are provided in a timely
13 manner.

14 b. The selection of qualified and impartial clinical peer
15 reviewers to conduct external reviews on behalf of the
16 independent review organization and suitable matching of
17 reviewers to specific cases.

18 c. The confidentiality of medical and treatment records and
19 clinical review criteria.

20 d. That any person employed by or under contract with the
21 independent review organization adheres to the
22 requirements of this Part.

23 (2) A toll-free telephone service to receive information on a 24-hour-
24 day, seven-day-a-week basis related to external reviews that is
25 capable of accepting, recording, or providing appropriate
26 instruction to incoming telephone callers during other than normal
27 business hours.

28 (3) Agreement to maintain and provide to the Commissioner the
29 information set out in G.S. 58-50-90.

30 (4) A program for credentialing clinical peer reviewers.

31 (5) Agreement to contractual terms or written requirements
32 established by the Commissioner regarding the procedures for
33 handling a review.

34 (b) All clinical peer reviewers assigned by an independent review organization to
35 conduct external reviews shall be medical doctors or other appropriate health care
36 providers who meet the following minimum qualifications:

37 (1) Be an expert in the treatment of the covered person's injury,
38 illness, or medical condition that is the subject of the external
39 review.

40 (2) Be knowledgeable about the recommended health care service or
41 treatment through recent or current actual clinical experience
42 treating patients with the same or similar injury, illness, or medical
43 condition of the covered person.

- 1 (3) If the covered person's treating provider is a medical doctor, hold
2 a nonrestricted license from the North Carolina Medical Board
3 and, if a specialist medical doctor, a current certification by a
4 recognized American medical specialty board in the area or areas
5 appropriate to the subject of the external review.
6 (4) If the covered person's treating provider is not a medical doctor,
7 hold a nonrestricted North Carolina license, registration, or
8 certification in the same allied health occupation as the covered
9 person's treating provider.
10 (5) Have no history of disciplinary actions or sanctions, including loss
11 of staff privileges or participation restrictions, that have been taken
12 or are pending by any hospital, governmental agency or unit, or
13 regulatory body that raise a substantial question as to the clinical
14 peer reviewer's physical, mental, or professional competence or
15 moral character.

16 (c) In addition to the requirements set forth in subsection (a) of this section, an
17 independent review organization may not own or control, be a subsidiary of or in any
18 way be owned or controlled by, or exercise control with a health benefit plan, a
19 national, State, or local trade association of health benefit plans, or a national, State,
20 or local trade association of health care providers.

21 (d) In addition to the requirements set forth in subsections (a), (b), and (c) of this
22 section, to be approved under G.S. 58-50-85 to conduct an external review of a
23 specified case, neither the independent review organization selected to conduct the
24 external review nor any clinical peer reviewer assigned by the independent
25 organization to conduct the external review may have a material professional,
26 familial, or financial conflict of interest with any of the following:

- 27 (1) The insurer that is the subject of the external review.
28 (2) The covered person whose treatment is the subject of the external
29 review or the covered person's authorized representative.
30 (3) Any officer, director, or management employee of the insurer that
31 is the subject of the external review.
32 (4) The health care provider, the health care provider's medical
33 group, or independent practice association recommending the
34 health care service or treatment that is the subject of the external
35 review.
36 (5) The facility at which the recommended health care service or
37 treatment would be provided.
38 (6) The developer or manufacturer of the principal drug, device,
39 procedure, or other therapy being recommended for the covered
40 person whose treatment is the subject of the external review.

41 (e) In determining whether an independent review organization or a clinical peer
42 reviewer of the independent review organization has a material professional, familial,
43 or financial conflict of interest for purposes of subsection (d) of this section, the
44 Commissioner shall take into consideration situations where the independent review

1 organization to be assigned to conduct an external review of a specified case or a
2 clinical peer reviewer to be assigned by the independent review organization to
3 conduct an external review of a specified case may have an apparent professional,
4 familial, or financial relationship or connection with a person described in subsection
5 (d) of this section, but that the characteristics of that relationship or connection are
6 such that they are not a material professional, familial, or financial conflict of interest
7 that results in the disapproval of the independent review organization or the clinical
8 peer reviewer from conducting the external review.

9 "§ 58-50-88: Reserved for future codification.

10 "§ 58-50-89. Hold harmless for independent review organizations.

11 No independent review organization or clinical peer reviewer working on behalf
12 of an organization shall be liable in damages to any person for any opinions rendered
13 during or upon completion of an external review conducted under this Part, unless
14 the opinion was rendered in bad faith or involved gross negligence.

15 "§ 58-50-90. External review reporting requirements.

16 (a) An organization assigned under G.S. 58-50-80 or G.S. 58-50-82 to conduct an
17 external review shall maintain written records in the aggregate and by insurer on all
18 requests for external review for which it conducted an external review during a
19 calendar year and submit a report to the Commissioner, as required under subsection
20 (b) of this section.

21 (b) Each organization required to maintain written records on all requests for
22 external review under subsection (a) of this section for which it was assigned to
23 conduct an external review shall submit to the Commissioner, at least annually, a
24 report in the format specified by the Commissioner.

25 (c) The report shall include in the aggregate and for each insurer:

26 (1) The total number of requests for external review.

27 (2) The number of requests for external review resolved and, of those
28 resolved, the number resolved upholding the noncertification
29 appeal decision or second-level grievance review decision and the
30 number resolved reversing the noncertification appeal decision or
31 second-level grievance review decision.

32 (3) The average length of time for resolution.

33 (4) A summary of the types of coverages or cases for which an
34 external review was sought, as provided in the format required by
35 the Commissioner.

36 (5) The number of external reviews under G.S. 58-50-80(k) and (l)
37 that were terminated as the result of a reconsideration by the
38 insurer of its noncertification appeal decision or second-level
39 grievance review decision after the receipt of additional
40 information from the covered person.

41 (6) Any other information the Commissioner may request or require.

42 (d) The organization shall retain the written records required under this section
43 for at least three years.

1 (e) Each insurer shall maintain written records in the aggregate and for each type
2 of health benefit plan offered by the insurer on all requests for external review of
3 which the insurer receives notice from the Commissioner under this Part. The insurer
4 shall retain the written records required under this section for at least three years.

5 **"§ 58-50-91: Reserved for future codification.**

6 **"§ 58-50-92. Funding of external review.**

7 The insurer against which a request for a standard external review or an expedited
8 external review is filed shall reimburse the Department of Insurance for the fees
9 charged by the organization in conducting the external review.

10 **"§ 58-50-93. Disclosure requirements.**

11 (a) Each insurer shall include a description of the external review procedures in
12 or attached to the policy, certificate, membership booklet, outline of coverage, or
13 other evidence of coverage it provides to covered persons.

14 (b) The description required under subsection (a) of this section shall include a
15 statement that informs the covered person of the right of the covered person to file a
16 request for an external review of a noncertification appeal decision or a second-level
17 grievance review decision upholding a noncertification with the Commissioner. The
18 statement shall include the telephone number and address of the Commissioner.

19 (c) In addition to subsection (b) of this section, the statement shall inform the
20 covered person that, when filing a request for an external review, the covered person
21 will be required to authorize the release of any medical records of the covered person
22 that may be required to be reviewed for the purpose of reaching a decision on the
23 external review.

24 **"§ 58-50-94. Competitive selection of independent review organizations.**

25 (a) The Commissioner shall prepare and publish requests for proposals from
26 independent review organizations that want to be approved under G.S. 58-50-85. All
27 proposals shall be sealed. The Commissioner shall open all proposals in public.

28 (b) After the public opening, the Commissioner shall review the proposals,
29 examining the costs and quality of the services offered by the independent review
30 organizations, the reputation and capabilities of the independent review organizations
31 submitting the proposals, and the provisions in G.S. 58-50-85 and G.S. 58-50-87. The
32 Commissioner shall determine which proposal or proposals would satisfy the
33 provisions of this Part. The Commissioner shall make his determination in
34 consultation with an evaluation committee whose membership includes
35 representatives of insurers subject to Part 4 of Article 50 of Chapter 58 of the General
36 Statutes, health care providers, and insureds. In selecting the review organizations, in
37 addition to considering cost, quality, and adherence to the requirements of the
38 request for proposals, the Commissioner shall consider the desirability and feasibility
39 of contracting with multiple review organizations in order to allow insureds a choice
40 of review organizations and shall ensure that at least one review organization is
41 available to and capable of reviewing cases involving highly specialized services and
42 treatments of any nature. The Commissioner may reject any or all proposals.

43 (c) An independent review organization may seek to modify or withdraw a
44 proposal only after the public opening and only on the basis that the proposal

1 contains an unintentional clerical error as opposed to an error in judgment. An
2 independent review organization seeking to modify or withdraw a proposal shall
3 submit to the Commissioner a written request, with facts and evidence in support of
4 its position, before the determination made by the Commissioner under subsection
5 (b) of this section, but not later than two days after the public opening of the
6 proposals. The Commissioner shall promptly review the request, examine the nature
7 of the error, and determine whether to permit or deny the request.

8 (d) The provisions of Article 3C of Chapter 143 of the General Statutes do not
9 apply to this Part."

10 Section 9. G.S. 58-50-61(a)(13) reads as rewritten:

11 "(13) 'Noncertification' means a determination by an insurer or its
12 designated utilization review organization that an admission,
13 availability of care, continued stay, or other health care service
14 has been reviewed and, based upon the information provided,
15 does not meet the insurer's requirements for medical necessity,
16 appropriateness, health care setting, level of care or effectiveness,
17 or does not meet the prudent layperson standard for coverage of
18 emergency services in G.S. 58-3-190, and the requested service is
19 therefore denied, reduced, or terminated. A 'noncertification' is
20 not a decision rendered solely on the basis that the health benefit
21 plan does not provide benefits for the health care service in
22 question, if the exclusion of the specific service requested is
23 clearly stated in the certificate of coverage. A 'noncertification'
24 includes any situation in which an insurer or its designated agent
25 makes an evaluation or review of medical information about a
26 covered person's condition to determine whether a requested
27 treatment is experimental, investigational, or cosmetic and the
28 extent to which coverage under the health benefit plan is affected
29 by that decision."

30 Section 10. G.S. 58-50-61(a)(17)g. reads as rewritten:

31 "g. Retrospective review. -- Utilization review of medically
32 necessary services and supplies that is conducted after
33 services have been provided to a patient, but not the review
34 of a claim that is limited to an evaluation of reimbursement
35 levels, veracity of documentation, accuracy of coding, or
36 adjudication for payment. Retrospective review includes the
37 review of claims for emergency services to determine
38 whether the prudent layperson standard in G.S. 58-3-190 has
39 been met."

40 Section 11. G.S. 58-50-61(i) reads as rewritten:

41 "(i) Requests for Informal Reconsideration. -- An insurer may establish procedures
42 for informal reconsideration of noncertifications and if established, such procedures
43 shall be in writing. The reconsideration shall be conducted between the covered
44 person's provider and a medical doctor licensed to practice medicine in this State

1 designated by the ~~insurer~~ insurer, after a written notice of noncertification has been
2 issued in accordance with subsection (h) of this section. An insurer shall not require
3 a covered person to participate in an informal reconsideration before the covered
4 person may appeal a noncertification under subsection (j) of this section. If, after
5 informal reconsideration the insurer upholds the noncertification decision, the insurer
6 shall issue a new notice in accordance with subsection (h) of this section. If the
7 insurer is unable to render an informal reconsideration decision in fewer than 10
8 business days, it shall treat the request for informal reconsideration as a request for
9 an appeal, except that the requirements of subsection (k) of this section shall apply
10 on or before the 10th business day after receipt of the request for an informal
11 reconsideration."

12 Section 12. G.S. 58-50-62 is amended by adding a new subsection to
13 read:

14 "(b1) Informal Consideration of Grievances. -- If the insurer provides procedures
15 for informal considerations of grievances, the procedures shall be in writing and the
16 following requirements apply:

17 (1) If the grievance concerns a clinical issue and the informal
18 consideration decision is not in favor of the covered person, the
19 insurer shall treat the request as a request for a first-level grievance
20 review, except that the requirements of subdivision (e)(1) of this
21 section shall apply on the 10th business day after receipt of the
22 grievance.

23 (2) If the grievance concerns a nonclinical issue and the informal
24 consideration decision is not in favor of the covered person, the
25 insurer shall issue a written decision that includes the information
26 set forth in G.S. 58-50-62(c).

27 (3) If the insurer is unable to render an informal consideration
28 decision within 10 business days of receipt of the grievance, the
29 insurer shall treat the request as a request for a first-level grievance
30 review, except that the requirements of subdivision (e)(1) of this
31 section shall apply on the 10th business day after receipt of the
32 grievance."

33 Section 13. G.S. 58-50-61(k)(5) reads as rewritten:

34 "(5) A statement advising the covered person of the covered person's
35 right to request a second-level grievance review and a description
36 of the procedure for submitting a second-level grievance under ~~G.S.~~
37 ~~58-50-62.~~ G.S. 58-50-62 if the insurer's decision on the appeal is to
38 uphold its noncertification."

39 Section 14. G.S. 58-50-62(e)(2)e. reads as rewritten:

40 "e. A statement advising the covered person of his or her right
41 to request a second-level grievance review and a description
42 of the procedure for submitting a second-level grievance
43 under this ~~section.~~ section if the insurer's decision on the

1 first-level grievance review is not in favor of the covered
2 person."

3 Section 15. G.S. 58-50-62(h)(7) reads as rewritten:

4 "(7) A statement that the decision is the insurer's final determination in
5 the matter. In cases where the review concerned a noncertification
6 and the insurer's decision on the second-level grievance review is
7 to uphold its initial noncertification, a statement advising the
8 covered person of his or her right to request an external review
9 and a description of the procedure for submitting a request for
10 external review to the Commissioner of Insurance."

11 Section 16. Article 3 of Chapter 58 of the General Statutes is amended by
12 adding a new section to read:

13 "§ 58-3-227. Provider directories.

14 (a) As used in this section, 'updated directory information' means the current
15 participation status of a provider, information known to the insurer indicating that a
16 provider is not currently accepting new patients, and other information included in a
17 printed provider directory.

18 (b) An insurer that uses a network of contracting health care providers for its
19 health benefit plans shall provide a copy of its current provider directory, including
20 any specialty directory, to all insureds on or before the effective date of initial
21 coverage and shall make these directories available to current and prospective
22 insureds upon request. Updated directory information reflecting the most current
23 information available to the insurer shall be available to insureds by telephone and
24 may also be made available by other media.

25 (c) Each directory shall include, in addition to the name, address, telephone
26 number, and area of specialty for each health care provider and facility in its
27 provider network:

28 (1) An indication of whether the provider may be selected as a
29 primary care provider.

30 (2) An indication of whether the provider is or is not currently
31 accepting new patients.

32 (3) An indication of whether the provider has any other restrictions
33 that would limit an insured's access to coverage from that
34 provider.

35 (4) A brief explanation, including costs to the insured, of how an
36 insured may access providers outside of the network.

37 (5) An explanation of the insured's right to transition coverage.

38 (6) The consumer complaint telephone number at the Department of
39 Insurance.

40 The directory shall also include the date of its publication and instructions on how a
41 current or prospective insured can obtain information about changes in the provider
42 network or a provider's ability to accept new patients that may have occurred since
43 the most recent printing of the directory.

1 (d) The directory shall include all of the types of licensed or certified health care
2 providers with which the insurer contracts directly or with whom the insurer has
3 access through a contract with an intermediary organization. If a contracting
4 provider requests, the names of any allied health care providers who practice and
5 deliver primary care services under the supervision of the contracting provider and
6 whose services are covered by virtue of the carrier's contract with the supervising
7 provider shall be listed as part of the directory listing for the contracting provider.

8 (e) An insurer may maintain separate directories for specialty services, such as
9 mental health, substance abuse, or centers of excellence, but shall make each of its
10 directories available to current and prospective insureds in accordance with this
11 section."

12 Section 17. Article 3 of Chapter 58 of the General Statutes is amended by
13 adding a new section to read:

14 "§ 58-3-229. Patient access to quality managed health care.

15 (a) Access Ensured by Plan Fairness and Due Process. -- Every health benefit plan
16 shall:

17 (1) Ensure that the health plan does not require hospital privileges of
18 providers unless such privileges are necessary for the provider's
19 provision of the full scope of services to the insured.

20 (2) Ensure that the plan does not discriminate with respect to
21 participation, reimbursement, or indemnification as to any
22 provider acting within the scope of the provider's license or
23 certification solely on the basis of the providers' licenses or
24 classifications.

25 (3) Establish relevant objective written criteria for contracting with
26 and credentialing providers.

27 (4) Establish reasonable time frames for provider enrollment, which
28 may be continuous, or, at a minimum, at least twice a year.

29 (5) Complete the credentialing process for contracting providers
30 within 60 days of receipt of all information necessary to review the
31 provider's request for participation in the plan.

32 (6) Make criteria for provider participation in the plan available to all
33 providers.

34 (7) Allow every contracting provider to provide covered health care
35 services to covered persons within the full scope of the contracting
36 provider's licensure in accordance with North Carolina State law.

37 (b) Insurer Responsibility for Intermediaries. -- For purposes of this section G.S.
38 58-3-100, 58-3-191, 58-3-200, 58-3-225, 58-3-230, 58-3-235, 58-67-88, 58-50-62, and
39 58-67-50, the duties placed on an insurer include a duty to ensure that any
40 intermediary the insurer contracts with to provide health care under the insurer's
41 health benefit plan complies with the requirements of this section to ensure patient
42 access to quality managed health care. As used in this subsection, the term
43 'intermediary' means an entity that employs or contracts with health care providers

1 for the provision of health care services, and that also contracts with an insurer
2 covering the health care services under a health benefit plan."

3 Section 18. Article 3 of Chapter 58 of the General Statutes is amended by
4 adding a new section to read:

5 "§ 58-3-230. Health plan disclosure requirements.

6 At the time of application for delivery of a health benefit plan, the insurer shall
7 deliver to the applicant and insured a clear and concise description of the coverage
8 provided by the plan. The description shall be printed on a form prescribed by the
9 Commissioner. The description shall include:

- 10 (1) Definitions of terms used in the health benefit plan.
- 11 (2) A brief description of the principal benefits or coverage provided,
12 including any coverage exclusions or limitations.
- 13 (3) A brief description of how coverage determinations are made,
14 including whether factors other than medical necessity and
15 coverage exclusions and limitations are considered.
- 16 (4) A brief explanation of insurer and insured payment responsibilities,
17 including how plan allowances, such as 'usual and customary
18 charges', are developed.
- 19 (5) A brief explanation of provider network limitations and
20 requirements, including requirements for the use of subnetworks,
21 when prior authorization or precertification is required, and how
22 tertiary and quaternary care are arranged.
- 23 (6) Tax and health plan accreditation status of the insurer.
- 24 (7) A statement that the outline is a summary of the health benefit
25 plan and that the health benefit plan should be examined to
26 determine health benefit plan provisions.
- 27 (8) A brief explanation, including costs to the insured of how an
28 insured may access providers outside of the network.
- 29 (9) An explanation of the insured's right to transition coverage."

30 Section 19. The Commissioner of Insurance shall report semiannually to
31 the Joint Legislative Health Care Oversight Committee regarding the nature and
32 appropriateness of reviews conducted under this Part. The report shall include the
33 number of reviews, character of the reviews, dollar amounts in question, and any
34 other information relevant to the evaluation of the effectiveness of the external
35 review procedures established pursuant to this act.

36 Section 20. If any section or provision of this act is declared
37 unconstitutional or invalid by the courts, it does not affect the validity of the act as a
38 whole or any part other than the part so declared to be unconstitutional or invalid.

39 Section 21. This act becomes effective July 1, 2001, and Part 1 of this act
40 applies to claims received on or after July 1, 2001.

NORTH CAROLINA GENERAL ASSEMBLY AMENDMENT

(Please type or use ballpoint pen)

EDITION No. 2

H. B. No. 1537

DATE June 22, 2000

S. B. No. _____

Amendment No. _____

(to be filled in by
Principal Clerk)

COMMITTEE SUBSTITUTE

Rep.) Nye
)
Sen.) _____

1 moves to amend the bill on page 24, line 11

2 () WHICH CHANGES THE TITLE

3 by _____

4 through page 26 line 29

5 _____

6 by deleting those lines

7 _____

8 and renumbering the succeeding

9 _____

10 sections accordingly.

11 _____

12 _____

13 _____

14 _____

15 _____

16 _____

17 _____

18 _____

19 _____

SIGNED *[Signature]*

ADOPTED _____ FAILED _____ TABLED _____

**2000 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES**

The following report(s) from standing committee(s) is/are presented:

By Representative(s) **Culpepper** for the Committee on Rules, Calendar and Operations of the House.

Committee Substitute for

H.B. 1537 A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR THE PROMPT PAYMENT OF CLAIMS UNDER HEALTH BENEFIT PLANS, TO MAKE CONFORMING AMENDMENTS TO RELATED CLAIM PAYMENT LAWS, TO PROVIDE STANDARDS FOR THE ESTABLISHMENT AND MAINTENANCE OF EXTERNAL REVIEW PROCEDURES IN HEALTH INSURANCE AND MANAGED CARE TO ASSURE THAT COVERED PERSONS HAVE THE OPPORTUNITY FOR AN INDEPENDENT REVIEW OF A HEALTH BENEFIT PLAN COVERAGE DECISION MADE BY THE INSURER OR MANAGED CARE PLAN; AND TO MAKE CONFORMING AMENDMENTS TO EXISTING LAWS ON UTILIZATION REVIEW AND GRIEVANCES.

With a favorable report.

With a favorable report and recommendation that the bill be re-referred to the Committee on Appropriations Finance .

With a favorable report, as amended.

With a favorable report, as amended, and recommendation that the bill be re-referred to the Committee on Appropriations Finance .

With a favorable report as to committee substitute bill # 2, unfavorable as to Committee Substitute Bill # 1.

With a favorable report as to House committee substitute bill (#), which changes the title, unfavorable as to Senate committee substitute bill.

With an unfavorable report.

With recommendation that the House concur.

With recommendation that the House do not concur.

With recommendation that the House do not concur; request conferees.

With recommendation that the House concur; committee believes bill to be material.

With an unfavorable report, with a Minority Report attached.

Without prejudice.

With an indefinite postponement report.

With an indefinite postponement report, with a Minority Report attached.

With recommendation that it be adopted. (HOUSE RESOLUTION ONLY)

5/25/00

MINUTES OF THE COMMITTEE ON RULES, CALENDAR AND OPERATIONS OF
THE HOUSE

June 27, 2000

The Committee on Rules, Calendar and Operations of the House met on June 27, 2000 at 2:10 p.m. in Room 421 of the Legislative Office Building. The following members were present: Representatives Culpepper, Chairman; Hackney, Vice Chairman; Alexander, Allen, Crawford, Gulley, Hill, Jarrell, McCombs, Michaux, Tolson, and Yongue.

The following bills were considered:

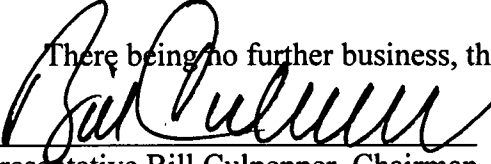
HOUSE JOINT RESOLUTION 1588 – A JOINT RESOLUTION AUTHORIZING THE 1999 GENERAL ASSEMBLY, REGULAR SESSION 2000, TO CONSIDER A JOINT RESOLUTION SUPPORTING THE LOCATION OF A SPACEPORT FOR THE VENTURESTAR PROJECT IN NORTHEASTERN NORTH CAROLINA. Representative Edwards was recognized to speak on the resolution. He stated that North Carolina is one of several states vying for this \$3 billion project. If it comes to North Carolina, it will either be in Hyde County or Carteret County. He stated that the project would mean a lot to eastern North Carolina and asked for its support. Representative Tolson moved for a favorable report of the resolution, and the motion carried.

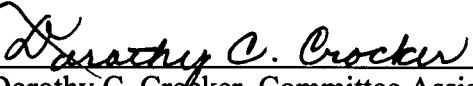
HOUSE RESOLUTION 1865 – A HOUSE RESOLUTION HONORING THE LIFE AND MEMORY OF JAMES MCCLURE CLARKE, FORMER MEMBER OF THE GENERAL ASSEMBLY AND CONGRESS. Representative Nesbitt, sponsor of the resolution was not able to attend the meeting, but Representatives Allen, Hackney, Crawford and Nye knew Mr. Clark personally and spoke on behalf of the resolution. Representative Hackney made a motion that the resolution be adopted, and the motion carried.

SENATE COMMITTEE SUBSTITUTE FOR 1210 – AN ACT TO AUTHORIZE THE DIVISION OF MOTOR VEHICLES TO ISSUE SUPPORT PUBLIC SCHOOLS SPECIAL REGISTRATION PLATES, DUCKS UNLIMITED SPECIAL REGISTRATION PLATES, OMEGA PSI PHI FRATERNITY SPECIAL REGISTRATION PLATES, AND TOBACCO HERITAGE SPECIAL REGISTRATION PLATES; TO CREATE THE FUND FOR THE REDUCTION OF CLASS SIZE IN PUBLIC SCHOOLS; AND TO REMOVE THE SPECIAL REGISTRATION PLATE ACCOUNT FEE FROM THE LEGION OF VALOR SPECIAL REGISTRATION PLATES, CONGRESSIONAL MEDAL OF HONOR SPECIAL REGISTRATION PLATES, 100% DISABLED VETERAN SPECIAL REGISTRATION PLATES, AND EX-PRISONER OF WAR SPECIAL REGISTRATION PLATES. A proposed House committee substitute was offered, and Representative Allen moved for its adoption for purposes of discussion. Without objection, it was so ordered. The proposed committee substitute changed the title to AN ACT TO AUTHORIZE THE DIVISION OF MOTOR

VEHICLES TO ISSUE SUPPORT PUBLIC SCHOOLS SPECIAL REGISTRATION PLATES, DUCKS UNLIMITED SPECIAL REGISTRATION PLATES, OMEGA PSI PHI FRATERNITY SPECIAL REGISTRATION PLATES, TOBACCO HERITAGE SPECIAL REGISTRATION PLATES, "N.C. MARITIME MUSEUM" SPECIAL REGISTRATION PLATES; TO CREATE THE FUND FOR THE REDUCTION OF CLASS SIZE IN PUBLIC SCHOOLS; AND TO REMOVE THE SPECIAL REGISTRATION PLATE ACCOUNT FEE FROM THE LEGION OF VALOR SPECIAL REGISTRATION PLATES, CONGRESSIONAL MEDAL OF HONOR SPECIAL REGISTRATION PLATES, 100% DISABLED VETERAN SPECIAL REGISTRATION PLATES, EX-PRISONER OF WAR SPECIAL REGISTRATION PLATES, AND TO MODIFY THE BASIS FOR ISSUING PERMANENT PLATES TO CHURCH BUSES. The chairman stated that several special license plates bills had been introduced, and he requested Gerry Cohen, Director of the Bill Drafting Division, to explain the proposed committee substitute which combined all the bills. Representative Yongue moved that the proposed committee substitute be reported without prejudice and that it be rereferred to the Committee on Finance, unfavorable as to the Senate committee substitute. The motion carried.

There being no further business, the meeting adjourned at 2:20 p.m.


Representative Bill Culpepper, Chairman


Dorothy C. Crocker, Committee Assistant

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1999

H

1

HOUSE JOINT RESOLUTION 1588

Sponsors: Representatives Edwards, Smith; and Goodwin.

Referred to: Rules, Calendar, and Operations of the House.

May 18, 2000

1 A JOINT RESOLUTION AUTHORIZING THE 1999 GENERAL ASSEMBLY,
2 REGULAR SESSION 2000, TO CONSIDER A JOINT RESOLUTION
3 SUPPORTING THE LOCATION OF A SPACEPORT FOR THE
4 VENTURESTAR PROJECT IN NORTHEASTERN NORTH CAROLINA.

5 Be it resolved by the House of Representatives, the Senate concurring:

6 Section 1. The 1999 General Assembly, Regular Session 2000, may
7 consider "A JOINT RESOLUTION SUPPORTING THE LOCATION OF A
8 SPACEPORT FOR THE VENTURESTAR PROJECT IN NORTHEASTERN
9 NORTH CAROLINA."

10 Section 2. This resolution is effective upon ratification.

GENERAL ASSEMBLY OF NORTH CAROLINA

- SESSION 1999

H

1

HOUSE RESOLUTION 1865

Sponsors: Representative Nesbitt.

Referred to: Rules, Calendar, and Operations of the House.

June 26, 2000

1 A HOUSE RESOLUTION HONORING THE LIFE AND MEMORY OF JAMES
2 MCCLURE CLARKE, FORMER MEMBER OF THE GENERAL ASSEMBLY
3 AND CONGRESS.

4 Whereas, James McClure "Jamie" Clarke was born on June 12, 1917, in
5 Manchester, Vermont, to Dumont Clarke Sr. and Annie McClure Clarke; and

6 Whereas, Jamie Clarke moved to North Carolina in 1931; and

7 Whereas, Jamie Clarke graduated from The Asheville School for Boys in
8 1935 and from Princeton University in 1939; and

9 Whereas, Jamie Clarke served as an officer in the United States Naval
10 Reserves from 1942 to 1945, seeing action in the Pacific Theater; and

11 Whereas, Jamie Clarke married Elspeth McClure in 1945; and

12 Whereas, Jamie Clarke was the owner of Hickory Nut Gap Farm, in
13 Fairview, North Carolina, where he was a successful dairy farmer and orchard
14 grower; and

15 Whereas, Jamie Clarke served as Chair of the Buncombe County Board
16 of Education from 1969 to 1976; and

17 Whereas, Jamie Clarke served with honor and distinction as a member of
18 the North Carolina House of Representatives from 1977 to 1980 and as a member of
19 the North Carolina Senate from 1981 to 1982; and

20 Whereas, Jamie Clarke was elected to the United States House of
21 Representatives in 1982 and reelected in 1986 and 1988; and

22 Whereas, as a member of Congress, Jamie Clarke successfully introduced
23 legislation that set aside 68,000 acres of national forestland as part of the National
24 Wilderness Preservation System and protected Transylvania County's Horsepasture
25 River Gorge and Jackson County's Panthertown Valley; and

1 Whereas, Jamie Clarke served as Secretary and President of the Farmers
2 Federation Cooperative from 1946 to 1959; as Associate Editor of the Asheville
3 Citizens-Times from 1960 to 1968; as Assistant to the President of Warren Wilson
4 College from 1969 to 1981; and as Secretary and Trustee of the James G. K. McClure
5 Educational and Development Fund; and

6 Whereas, throughout his life, Jamie Clarke was active in many
7 organizations, serving as a trustee or board member of Warren Wilson College,
8 Coalition for the Blue Ridge Parkway, the North Carolina Environmental Defense
9 Fund, Western North Carolina Community Foundation, Council on Aging, North
10 Carolina Symphony, Thoms Rehabilitation Hospital, Southeastern Council of
11 Foundations, and Eckerd Wilderness Educational System; and

12 Whereas, Jamie Clarke also served as a member and former President of
13 the Asheville Civitan Club, former director of the Fairview Volunteer Fire
14 Department, trustee and vice-chair of the North Carolina School of the Arts, trustee
15 of Memorial Mission Hospital, trustee of the Semans Art Fund, and a former member
16 and elder of the Warren Wilson College Presbyterian Church; and

17 Whereas, Jamie Clarke was a loyal member of the Fairview Christian
18 Fellowship Presbyterian Church; and

19 Whereas, Jamie Clarke died on April 13, 1999; and

20 Whereas, Jamie Clarke is survived by his wife, Elspeth McClure Clarke;
21 two daughters, Susie Clarke Hamilton and Annie Clarke Ager; four sons, James G.
22 K. McClure Clarke, Dumont Clarke IV, William Clarke, and Douglas Dixon Clarke;
23 a number of grandchildren; one great-grandchild; and several other close relatives;
24 and

25 Whereas, it is the desire of the House of Representatives to acknowledge
26 Jamie Clarke's achievements and pay tribute to his life and service; Now, therefore,
27 Be it resolved by the House of Representatives:

28 Section 1. The House of Representatives expresses its deep appreciation
29 for the life and accomplishments of James McClure Clarke and for the great service
30 he rendered to the nation and the State of North Carolina.

31 Section 2. The House of Representatives extends its sincere sympathy to
32 the family and friends of James McClure Clarke.

33 Section 3. The Principal Clerk shall transmit a certified copy of this
34 resolution to the family of James McClure Clarke.

35 Section 4. This resolution is effective upon adoption.

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1999

S

2

SENATE BILL 1210
Finance Committee Substitute Adopted 6/5/00

Short Title: Special Registration Plates.

(Public)

Sponsors:

Referred to:

May 11, 2000

1 A BILL TO BE ENTITLED
2 AN ACT TO AUTHORIZE THE DIVISION OF MOTOR VEHICLES TO ISSUE
3 SUPPORT PUBLIC SCHOOLS SPECIAL REGISTRATION PLATES, DUCKS
4 UNLIMITED SPECIAL REGISTRATION PLATES, OMEGA PSI PHI
5 FRATERNITY SPECIAL REGISTRATION PLATES, AND TOBACCO
6 HERITAGE SPECIAL REGISTRATION PLATES; TO CREATE THE FUND
7 FOR THE REDUCTION OF CLASS SIZE IN PUBLIC SCHOOLS; AND TO
8 REMOVE THE SPECIAL REGISTRATION PLATE ACCOUNT FEE FROM
9 THE LEGION OF VALOR SPECIAL REGISTRATION PLATES,
10 CONGRESSIONAL MEDAL OF HONOR SPECIAL REGISTRATION
11 PLATES, 100% DISABLED VETERAN SPECIAL REGISTRATION
12 PLATES, AND EX-PRISONER OF WAR SPECIAL REGISTRATION PLATES.

13 The General Assembly of North Carolina enacts:

14 Section 1. G.S. 20-79.4(b)(13a) is recodified as G.S. 20-79.4(b)(13b).

15 Section 2. G.S. 20-79.4(b) is amended by adding the following new
16 subdivisions to read:

17 "(b) Types. -- The Division shall issue the following types of special registration
18 plates:

19

20 (13a) Ducks Unlimited. -- Issuable to the registered owner of a motor
21 vehicle in accordance with G.S. 20-81.12. The plate shall bear the
22 logo of Ducks Unlimited, Inc., and shall bear the words: 'Ducks
23 Unlimited'.

1 ...
 2 (29a) Omega Psi Phi Fraternity. -- Issuable to the registered owner of a
 3 motor vehicle in accordance with G.S. 20-81.12. The plate shall
 4 bear the fraternity's symbol and name.

5 ...
 6 (45a) Support Public Schools. -- Issuable to the registered owner of a
 7 motor vehicle in accordance with G.S. 20-81.12. The plate shall
 8 bear a picture representing an old-time one-room schoolhouse and
 9 shall bear the words: 'Support Our Public Schools'.

10 (45b) Tobacco Heritage. -- Issuable to the registered owner of a motor
 11 vehicle. The plate shall bear a picture of a tobacco leaf and plow.
 12 The Division may not issue the plate authorized by this subdivision
 13 unless it receives at least 300 applications for the plate."

14 Section 3. G.S. 20-79.7(a) reads as rewritten:

15 "(a) Fees. -- Upon request, the Division shall provide and issue free of charge one
 16 registration plate to a recipient of the Congressional Medal of Honor, a 100%
 17 disabled veteran, and an ex-prisoner of war. All other special registration ~~plates~~
 18 plates, including additional Congressional Medal of Honor, 100% Disabled Veteran,
 19 and Ex-Prisoner of War plates, are subject to the regular motor vehicle registration
 20 fee in G.S. 20-87 or G.S. 20-88 plus an additional fee in the following amount:

<u>Special Plate</u>	<u>Additional Fee Amount</u>
22 Historical Attraction	\$30.00
23 State Attraction	\$30.00
24 Collegiate Insignia	\$25.00
25 Kids First	\$25.00
26 Olympic Games	\$25.00
27 Special Olympics	\$25.00
28 University Health Systems of	
29 Eastern Carolina	\$25.00
30 Animal Lovers	\$20.00
31 <u>Ducks Unlimited</u>	<u>\$20.00</u>
32 March of Dimes	\$20.00
33 <u>Omega Psi Phi Fraternity</u>	<u>\$20.00</u>
34 Scenic Rivers	\$20.00
35 School Technology	\$20.00
36 Soil and Water Conservation	\$20.00
37 <u>Support Public Schools</u>	<u>\$20.00</u>
38 Wildlife Resources	\$20.00
39 Personalized	\$20.00
40 Active Member of the National Guard	None
41 <u>Congressional Medal of Honor</u>	<u>None</u>
42 <u>100% Disabled Veteran</u>	<u>None</u>
43 <u>Ex-Prisoner of War</u>	<u>None</u>
44 <u>Legion of Valor</u>	<u>None</u>

1 Purple Heart Recipient None
 2 All Other Special Plates \$10.00."

3 Section 4. G.S. 20-79.7(b) reads as rewritten:

4 "(b) Distribution of Fees. -- The Special Registration Plate Account and the
 5 Collegiate and Cultural Attraction Plate Account are established within the Highway
 6 Fund. The Division must credit the additional fee imposed for the special registration
 7 plates listed in subsection (a) among the Special Registration Plate Account (SRPA),
 8 the Collegiate and Cultural Attraction Plate Account (CCAPA), and the Natural
 9 Heritage Trust Fund (NHTF), which is established under G.S. 113-77.7, as follows:

10 <u>Special Plate</u>	<u>SRPA</u>	<u>CCAPA</u>	<u>NHTF</u>
11 Animal Lovers	\$10	\$10	0
12 Historical Attraction	\$10	\$20	0
13 In-State Collegiate Insignia	\$10	\$15	0
14 Kids First	\$10	\$15	0
15 Out-of-state Collegiate Insignia	\$10	0	\$15
16 Personalized	\$10	0	\$10
17 Special Olympics	\$10	\$15	0
18 Olympic Games	\$10	\$15	0
19 State Attraction	\$10	\$20	0
20 <u>Ducks Unlimited</u>	<u>\$10</u>	<u>\$10</u>	<u>0</u>
21 March of Dimes	\$10	\$10	0
22 <u>Omega Psi Phi Fraternity</u>	<u>\$10</u>	<u>\$10</u>	<u>0</u>
23 Scenic Rivers	\$10	\$10	0
24 School Technology	\$10	\$10	0
25 Soil and Water Conservation	\$10	\$10	0
26 <u>Support Public Schools</u>	<u>\$10</u>	<u>\$10</u>	<u>0</u>
27 University Health Systems of			
28 Eastern Carolina	\$10	\$15	0
29 Wildlife Resources	\$10	\$10	0
30 All other Special Plates	\$10	0	0".

31 Section 5. G.S. 20-81.12 is amended by adding the following new
 32 subsections to read:

33 "(b12) Support Public Schools Plates. -- The Division must receive 300 or more
 34 applications for a Support Public Schools plate before the plate may be developed.
 35 The Division shall transfer quarterly the money in the Collegiate and Cultural
 36 Attraction Plate Account derived from the sale of Support Public Schools plates to
 37 the Fund for the Reduction of Class Size in Public Schools created pursuant to G.S.
 38 115C-472.10.

39 (b13) Ducks Unlimited Plates. -- The Division must receive 300 or more
 40 applications for a Ducks Unlimited plate and receive any necessary licenses from
 41 Ducks Unlimited, Inc., for use of their logo before the plate may be developed. The
 42 Division shall transfer quarterly the money in the Collegiate and Cultural Attraction
 43 Plate Account derived from the sale of Ducks Unlimited plates to the Wildlife

1 Resources Commission to be used to support the conservation programs of Ducks
2 Unlimited, Inc., in this State.

3 (b14) Omega Psi Phi Fraternity Plates. -- The Division must receive 300 or more
4 applications for an Omega Psi Phi Fraternity plate and receive any necessary licenses,
5 without charge, from Omega Psi Phi Fraternity, Incorporated, before the plate may be
6 developed. The Division shall transfer quarterly the money in the Collegiate and
7 Cultural Attraction Plate Account derived from the sale of Omega Psi Phi Fraternity
8 plates to the United Negro College Fund, Inc., through the Winston-Salem Area
9 Office for the benefit of UNCF colleges in this State."

10 Section 6. Chapter 115C of the General Statutes is amended by adding a
11 new Article to read:

12 "ARTICLE 32C.

13 "Fund for the Reduction of Class Size in Public Schools.

14 "§ 115C-472.10. Establishment of the Fund for the Reduction of Class Size in Public
15 Schools.

16 (a) There is established under the control and direction of the State Board of
17 Education the Fund for the Reduction of Class Size in Public Schools. This fund
18 shall be a nonreverting special revenue fund consisting of moneys credited to it under
19 G.S. 20-81.12(b12) from the sale of special registration plates to support the public
20 schools.

21 (b) The State Board of Education shall allocate funds in the Fund for the
22 Reduction of Class Size in Public Schools to local school administrative units to
23 reduce class size in public schools."

24 Section 7. This act is effective when it becomes law.

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1999

S

D

SENATE BILL 1210
Finance Committee Substitute Adopted 6/5/00
Proposed House Committee Substitute S1210-PCS2859-LB1

Short Title: Special Registration Plates.

(Public)

Sponsors:

Referred to:

May 11, 2000

1 A BILL TO BE ENTITLED
2 AN ACT TO AUTHORIZE THE DIVISION OF MOTOR VEHICLES TO ISSUE
3 SUPPORT PUBLIC SCHOOLS SPECIAL REGISTRATION PLATES, DUCKS
4 UNLIMITED SPECIAL REGISTRATION PLATES, OMEGA PSI PHI
5 FRATERNITY SPECIAL REGISTRATION PLATES, TOBACCO HERITAGE
6 SPECIAL REGISTRATION PLATES, "N.C. MARITIME MUSEUM" SPECIAL
7 REGISTRATION PLATES, AND LITTER PREVENTION SPECIAL
8 REGISTRATION PLATES; TO CREATE THE FUND FOR THE REDUCTION
9 OF CLASS SIZE IN PUBLIC SCHOOLS; AND TO REMOVE THE SPECIAL
10 REGISTRATION PLATE ACCOUNT FEE FROM THE LEGION OF VALOR
11 SPECIAL REGISTRATION PLATES, CONGRESSIONAL MEDAL OF
12 HONOR SPECIAL REGISTRATION PLATES, 100% DISABLED VETERAN
13 SPECIAL REGISTRATION PLATES, EX-PRISONER OF WAR SPECIAL
14 REGISTRATION PLATES, AND TO MODIFY THE BASIS FOR ISSUING
15 PERMANENT PLATES TO CHURCH BUSES.
16 The General Assembly of North Carolina enacts:
17 Section 1. G.S. 20-79.4(b)(13a) is recodified as G.S. 20-79.4(b)(13b).
18 Section 2. G.S. 20-79.4(b) is amended by adding the following new
19 subdivisions to read:
20 "(b) Types. -- The Division shall issue the following types of special registration
21 plates:
22 ...

1 (13a) Ducks Unlimited. -- Issuable to the registered owner of a motor
 2 vehicle in accordance with G.S. 20-81.12. The plate shall bear the
 3 logo of Ducks Unlimited, Inc., and shall bear the words: 'Ducks
 4 Unlimited'.

5 ...
 6 (22a) Litter Prevention. -- Issuable to the registered owner of a motor
 7 vehicle in accordance with G.S. 20-81.12. The plate may bear a
 8 phrase and picture appropriate to the subject of litter prevention in
 9 North Carolina.

10 ...
 11 (29a) Omega Psi Phi Fraternity. -- Issuable to the registered owner of a
 12 motor vehicle in accordance with G.S. 20-81.12. The plate shall
 13 bear the fraternity's symbol and name.

14 ...
 15 (45a) Support Public Schools. -- Issuable to the registered owner of a
 16 motor vehicle in accordance with G.S. 20-81.12. The plate shall
 17 bear a picture representing an old-time one-room schoolhouse and
 18 shall bear the words: 'Support Our Public Schools'.

19 (45b) Tobacco Heritage. -- Issuable to the registered owner of a motor
 20 vehicle. The plate shall bear a picture of a tobacco leaf and plow.
 21 The Division may not issue the plate authorized by this subdivision
 22 unless it receives at least 300 applications for the plate."

23 Section 3. G.S. 20-79.7(a) reads as rewritten:

24 "(a) Fees. -- Upon request, the Division shall provide and issue free of charge one
 25 registration plate to a recipient of the Congressional Medal of Honor, a 100%
 26 disabled veteran, and an ex-prisoner of war. All other special registration plates
 27 plates, including additional Congressional Medal of Honor, 100% Disabled Veteran,
 28 and Ex-Prisoner of War plates, are subject to the regular motor vehicle registration
 29 fee in G.S. 20-87 or G.S. 20-88 plus an additional fee in the following amount:

<u>Special Plate</u>	<u>Additional Fee Amount</u>
31 Historical Attraction	\$30.00
32 State Attraction	\$30.00
33 Collegiate Insignia	\$25.00
34 Kids First	\$25.00
35 Olympic Games	\$25.00
36 Special Olympics	\$25.00
37 University Health Systems of	
38 Eastern Carolina	\$25.00
39 Animal Lovers	\$20.00
40 <u>Litter Prevention</u>	<u>\$15.00</u>
41 <u>Ducks Unlimited</u>	<u>\$20.00</u>
42 March of Dimes	\$20.00
43 <u>Omega Psi Phi Fraternity</u>	<u>\$20.00</u>
44 Scenic Rivers	\$20.00

1	School Technology	\$20.00
2	Soil and Water Conservation	\$20.00
3	<u>Support Public Schools</u>	<u>\$20.00</u>
4	Wildlife Resources	\$20.00
5	Personalized	\$20.00
6	Active Member of the National Guard	None
7	<u>Congressional Medal of Honor</u>	<u>None</u>
8	<u>100% Disabled Veteran</u>	<u>None</u>
9	<u>Ex-Prisoner of War</u>	<u>None</u>
10	<u>Legion of Valor</u>	<u>None</u>
11	Purple Heart Recipient	None
12	All Other Special Plates	\$10.00."

13 Section 4. G.S. 20-79.7(b) reads as rewritten:

14 "(b) Distribution of Fees. -- The Special Registration Plate Account and the
15 Collegiate and Cultural Attraction Plate Account are established within the Highway
16 Fund. The Division must credit the additional fee imposed for the special registration
17 plates listed in subsection (a) among the Special Registration Plate Account (SRPA),
18 the Collegiate and Cultural Attraction Plate Account (CCAPA), and the Natural
19 Heritage Trust Fund (NHTF), which is established under G.S. 113-77.7, as follows:

20	<u>Special Plate</u>	<u>SRPA</u>	<u>CCAPA</u>	<u>NHTF</u>
21	Animal Lovers	\$10	\$10	0
22	<u>Litter Prevention</u>	<u>\$ 5</u>	<u>\$10</u>	<u>0</u>
23	Historical Attraction	\$10	\$20	0
24	In-State Collegiate Insignia	\$10	\$15	0
25	Kids First	\$10	\$15	0
26	Out-of-state Collegiate Insignia	\$10	0	\$15
27	Personalized	\$10	0	\$10
28	Special Olympics	\$10	\$15	0
29	Olympic Games	\$10	\$15	0
30	State Attraction	\$10	\$20	0
31	<u>Ducks Unlimited</u>	<u>\$10</u>	<u>\$10</u>	<u>0</u>
32	March of Dimes	\$10	\$10	0
33	<u>Omega Psi Phi Fraternity</u>	<u>\$10</u>	<u>\$10</u>	<u>0</u>
34	Scenic Rivers	\$10	\$10	0
35	School Technology	\$10	\$10	0
36	Soil and Water Conservation	\$10	\$10	0
37	<u>Support Public Schools</u>	<u>\$10</u>	<u>\$10</u>	<u>0</u>
38	University Health Systems of			
39	Eastern Carolina	\$10	\$15	0
40	Wildlife Resources	\$10	\$10	0
41	All other Special Plates	\$10	0	0".

42 Section 5. G.S. 20-81.12 is amended by adding the following new
43 subsections to read:

1 "(b12) Support Public Schools Plates. -- The Division must receive 300 or more
2 applications for a Support Public Schools plate before the plate may be developed.
3 The Division shall transfer quarterly the money in the Collegiate and Cultural
4 Attraction Plate Account derived from the sale of Support Public Schools plates to
5 the Fund for the Reduction of Class Size in Public Schools created pursuant to G.S.
6 115C-472.10.

7 (b13) Ducks Unlimited Plates. -- The Division must receive 300 or more
8 applications for a Ducks Unlimited plate and receive any necessary licenses from
9 Ducks Unlimited, Inc., for use of their logo before the plate may be developed. The
10 Division shall transfer quarterly the money in the Collegiate and Cultural Attraction
11 Plate Account derived from the sale of Ducks Unlimited plates to the Wildlife
12 Resources Commission to be used to support the conservation programs of Ducks
13 Unlimited, Inc., in this State.

14 (b14) Omega Psi Phi Fraternity Plates. -- The Division must receive 300 or more
15 applications for an Omega Psi Phi Fraternity plate and receive any necessary licenses,
16 without charge, from Omega Psi Phi Fraternity, Incorporated, before the plate may be
17 developed. The Division shall transfer quarterly the money in the Collegiate and
18 Cultural Attraction Plate Account derived from the sale of Omega Psi Phi Fraternity
19 plates to the United Negro College Fund, Inc., through the Winston-Salem Area
20 Office for the benefit of UNCF colleges in this State.

21 (b15) Litter Prevention Plates. -- The Division shall develop a litter prevention
22 plate regardless of the number of applications for the plate that the Division receives.
23 The Division shall transfer quarterly the money in the Collegiate and Cultural
24 Attraction Plate Account derived from the sale of litter prevention plates to the Litter
25 Prevention Account created pursuant to G.S. 136-125.1."

26 Section 6. Chapter 115C of the General Statutes is amended by adding a
27 new Article to read:

28 "ARTICLE 32C.

29 "Fund for the Reduction of Class Size in Public Schools.

30 "§ 115C-472.10. Establishment of the Fund for the Reduction of Class Size in Public
31 Schools.

32 (a) There is established under the control and direction of the State Board of
33 Education the Fund for the Reduction of Class Size in Public Schools. This fund
34 shall be a nonreverting special revenue fund consisting of moneys credited to it under
35 G.S. 20-81.12(b12) from the sale of special registration plates to support the public
36 schools.

37 (b) The State Board of Education shall allocate funds in the Fund for the
38 Reduction of Class Size in Public Schools to local school administrative units to
39 reduce class size in public schools."

40 Section 7. G.S. 20-81.12(b2) is amended by adding the following new
41 subdivision:

42 "(b2) State Attraction Plates. -- The Division must receive 300 or more
43 applications for a State attraction plate before the plate may be developed. The
44 Division must transfer quarterly the money in the Collegiate and Cultural Attraction

1 Section 10. This act is effective when it becomes law.

**2000 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES**

The following report(s) from standing committee(s) is/are presented:

By Representative(s) **Culpepper** for the Committee on **Rules, Calendar and Operations of the House.**

Committee Substitute for

H.J.R. 1588 A JOINT RESOLUTION AUTHORIZING THE 1999 GENERAL ASSEMBLY, REGULAR SESSION 2000, TO CONSIDER A JOINT RESOLUTION SUPPORTING THE LOCATION OF A SPACEPORT FOR THE VENTURESTAR PROJECT IN NORTHEASTERN NORTH CAROLINA.

With a favorable report.

With a favorable report and recommendation that the bill be re-referred to the Committee on Appropriations Finance .

With a favorable report, as amended.

With a favorable report, as amended, and recommendation that the bill be re-referred to the Committee on Appropriations Finance .

With a favorable report as to committee substitute bill (#), which changes the title, unfavorable as to (original bill) (Committee Substitute Bill #), (and recommendation that the committee substitute bill #) be re-referred to the Committee on .)

With a favorable report as to House committee substitute bill (#), which changes the title, unfavorable as to Senate committee substitute bill.

With an unfavorable report.

With recommendation that the House concur.

With recommendation that the House do not concur.

With recommendation that the House do not concur; request conferees.

With recommendation that the House concur; committee believes bill to be material.

With an unfavorable report, with a Minority Report attached.

Without prejudice.

With an indefinite postponement report.

With an indefinite postponement report, with a Minority Report attached.

With recommendation that it be adopted. (HOUSE RESOLUTION ONLY)

5/25/00

**2000 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES**

The following report(s) from standing committee(s) is/are presented:

By Representative(s) **Culpepper** for the Committee on **Rules, Calendar and Operations of the House.**

- Committee Substitute for
H.R. 1865 A HOUSE RESOLUTION HONORING THE LIFE AND MEMORY OF
JAMES MCCLURE CLARKE, FORMER MEMBER OF THE GENERAL ASSEMBLY
AND CONGRESS.
- With a favorable report.
- With a favorable report and recommendation that the bill be re-referred to the Committee on
Appropriations Finance .
- With a favorable report, as amended.
- With a favorable report, as amended, and recommendation that the bill be re-referred to the
Committee on Appropriations Finance .
- With a favorable report as to committee substitute bill (#), which changes the title,
unfavorable as to (original bill) (Committee Substitute Bill #), (and recommendation
that the committee substitute bill #) be re-referred to the Committee on .)
- With a favorable report as to House committee substitute bill (#), which changes
the title, unfavorable as to Senate committee substitute bill.
- With an unfavorable report.
- With recommendation that the House concur.
- With recommendation that the House do not concur.
- With recommendation that the House do not concur; request conferees.
- With recommendation that the House concur; committee believes bill to be material.
- With an unfavorable report, with a Minority Report attached.
- Without prejudice.
- With an indefinite postponement report.
- With an indefinite postponement report, with a Minority Report attached.
- With recommendation that it be adopted. (HOUSE RESOLUTION ONLY)

5/25/00

**2000 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES**

The following report(s) from standing committee(s) is/are presented:

By Representative(s) **Culpepper** for the Committee on **Rules, Calendar and Operations of the House.**

- Committee Substitute for
S.B. 1210 A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE DIVISION OF MOTOR VEHICLES TO ISSUE SUPPORT PUBLIC SCHOOL SPECIAL REGISTRATION PLATES, DUCKS UNLIMITED SPECIAL REGISTRATION PLATES, OMEGA PSI PHI FRATERNITY SPECIAL REGISTRATION PLATES, AND TOBACCO HERITAGE SPECIAL REGISTRATION PLATES; TO CREATE THE FUND FOR THE REDUCTION OF CLASS SIZE IN PUBLIC SCHOOLS; AND TO REMOVE THE SPECIAL REGISTRATION PLATE ACCOUNT FEE FROM THE LEGION OF VALOR SPECIAL REGISTRATION PLATES, CONGRESSIONAL MEDAL OF HONOR SPECIAL REGISTRATION PLATES, 100% DISABLED VETERAN SPECIAL REGISTRATION PLATES, AND EX-PRISONER OF WAR SPECIAL REGISTRATION PLATES.
- With a favorable report.
- With a favorable report and recommendation that the bill be re-referred to the Committee on Appropriations Finance .
- With a favorable report, as amended.
- With a favorable report, as amended, and recommendation that the bill be re-referred to the Committee on Appropriations Finance .
- Without prejudice as to House committee substitute bill, which changes the title, unfavorable as to Senate Committee Substitute Bill, and recommendation that the House committee substitute bill be re-referred to the Committee on Finance.
- With a favorable report as to House committee substitute bill (# _____), which changes the title, unfavorable as to Senate committee substitute bill.
- With an unfavorable report.
- With recommendation that the House concur.
- With recommendation that the House do not concur.
- With recommendation that the House do not concur; request conferees.
- With recommendation that the House concur; committee believes bill to be material.
- With an unfavorable report, with a Minority Report attached.
- Without prejudice.
- With an indefinite postponement report.
- With an indefinite postponement report, with a Minority Report attached.
- With recommendation that it be adopted. (HOUSE RESOLUTION ONLY)

MINUTES OF THE COMMITTEE ON RULES, CALENDAR AND OPERATIONS OF
THE HOUSE

June 28, 2000

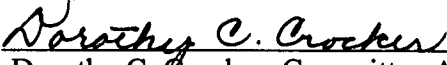
The Committee on Rules, Calendar and Operations of the House met on June 28, 2000 at 2:00 p.m. in Room 421 of the Legislative Office Building. The following members were present: Representatives Culpepper, Chairman; Hackney, Vice Chairman; Alexander, Allen, Crawford, Gulley, Hill, Luebke, McCombs, Tolson and Yongue.

The following bill was considered:

HOUSE COMMITTEE SUBSTITUTE FOR SENATE BILL 1447 – AN ACT TO MAKE SUNDRY AMENDMENTS CONCERNING THE TOWNS OF CHAPEL HILL AND KNIGHTDALE. A proposed committee substitute changing the title to AN ACT TO MAKE SUNDRY AMENDMENTS CONCERNING THE TOWN OF CHAPEL HILL was offered. Representative Allen moved for adoption of the proposed committee substitute for the purpose of discussion and without objection, it was so ordered. Representative Insko was recognized to explain the proposed committee substitute. She stated that the proposed committee substitute puts the bill back in its original form because there had been objection to adding the Town of Knightdale to the bill. Representative Hackney moved that the proposed House committee substitute #2 be given a favorable report, unfavorable as to House committee substitute #1. The motion carried.

There being no further business, the meeting adjourned at 2:10 p.m.


Representative Bill Culpepper, Chairman


Dorothy C. Crocker, Committee Assistant

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1999

S

2

SENATE BILL 1447*
House Committee Substitute Favorable 6/27/00

Short Title: Chapel Hill/Knightdale Omnibus.

(Local)

Sponsors:

Referred to:

May 25, 2000

1 A BILL TO BE ENTITLED
2 AN ACT TO MAKE SUNDRY AMENDMENTS CONCERNING THE TOWNS OF
3 CHAPEL HILL AND KNIGHTDALE.
4 The General Assembly of North Carolina enacts:
5 Section 1.(a) G.S. 143-135 reads as rewritten:
6 "**§ 143-135. Limitation of application of Article.**
7 Except for the provisions of G.S. 143-129 requiring bids for the purchase of
8 apparatus, supplies, materials or equipment, this Article shall not apply to
9 construction or repair work undertaken by the State or by subdivisions of the State of
10 North Carolina (i) when the work is performed by duly elected officers or agents
11 using force account qualified labor on the permanent payroll of the agency concerned
12 and (ii) when either the total cost of the project, including without limitation all
13 direct and indirect costs of labor, services, materials, supplies and equipment, does
14 not exceed ~~one hundred twenty five thousand dollars (\$125,000)~~ one hundred
15 seventy-five thousand dollars (\$175,000) or the total cost of labor on the project does
16 not exceed ~~fifty thousand dollars (\$50,000)~~ seventy-five thousand dollars (\$75,000).
17 This force account work shall be subject to the approval of the Director of the
18 Budget in the case of State agencies, of the responsible commission, council, or board
19 in the case of subdivisions of the State. Complete and accurate records of the entire
20 cost of such work, including without limitation, all direct and indirect costs of labor,
21 services, materials, supplies and equipment performed and furnished in the
22 prosecution and completion thereof, shall be maintained by such agency, commission,
23 council or board for the inspection by the general public. Construction or repair

1 work undertaken pursuant to this section shall not be divided for the purposes of
2 evading the provisions of this Article."

3 Section 1.(b) This section applies to the Town of Chapel Hill only.

4 Section 2. Section 2 of S.L. 1997-216, as amended by S.L. 1999-17 and
5 S.L. 1999-181, and as rewritten by Section 48(c) of S.L. 1999-456, reads as rewritten:

6 "Section 2. (a) This act applies to the Cities of Charlotte, Fayetteville, Greensboro,
7 High Point, Rocky Mount, and Wilmington, and the Towns of Chapel Hill, Cornelius,
8 Huntersville, Knightdale, and Matthews only.

9 (b) The Towns of Chapel Hill and Knightdale may only use the authority granted
10 by this section for violation of statutes or ordinances related to traffic signals."

11 Section 3.(a) G.S. 160A-301(d) reads as rewritten:

12 "(d) The governing body of any city may, by ordinance, regulate the stopping,
13 standing, or parking of vehicles in specified areas of any parking areas or driveways
14 of a hospital, shopping center, apartment house, condominium complex, or
15 commercial office complex, or any other privately owned public vehicular area, as
16 well as any private lot used for residential purposes whether or not demarcated as a
17 vehicular area, or prohibit such stopping, standing, or parking during any specified
18 hours, provided the owner or person in general charge of the operation and control
19 of that area requests in writing that such an ordinance be adopted. The owner of a
20 vehicle parked in violation of an ordinance adopted pursuant to this subsection shall
21 be deemed to have appointed any appropriate law-enforcement officer as his agent
22 for the purpose of arranging for the transportation and safe storage of such vehicle."

23 Section 3.(b) This section applies to the Town of Chapel Hill only.

24 Section 4. This act is effective when it becomes law.

1 council or board for the inspection by the general public. Construction or repair
2 work undertaken pursuant to this section shall not be divided for the purposes of
3 evading the provisions of this Article."

4 Section 1.(b) This section applies to the Town of Chapel Hill only.

5 Section 2. Section 2 of S.L. 1997-216, as amended by S.L. 1999-17 and
6 S.L. 1999-181, and as rewritten by Section 48.(c) of S.L. 1999-456, reads as rewritten:

7 "Section 2.(a) This act applies to the Cities of Charlotte, Fayetteville, Greensboro,
8 High Point, Rocky Mount, and Wilmington, and the Towns of Chapel Hill, Cornelius,
9 Huntersville, and Matthews only.

10 Section 2.(b) The Town of Chapel Hill may only use the authority granted by this
11 section for violation of statutes or ordinances related to traffic signals."

12 Section 3.(a) G.S. 160A-301(d) reads as rewritten:

13 "(d) The governing body of any city may, by ordinance, regulate the stopping,
14 standing, or parking of vehicles in specified areas of any parking areas or driveways
15 of a hospital, shopping center, apartment house, condominium complex, or
16 commercial office complex, or any other privately owned public vehicular area, as
17 well as any private lot used for residential purposes whether or not demarcated as a
18 vehicular area, or prohibit such stopping, standing, or parking during any specified
19 hours, provided the owner or person in general charge of the operation and control
20 of that area requests in writing that such an ordinance be adopted. The owner of a
21 vehicle parked in violation of an ordinance adopted pursuant to this subsection shall
22 be deemed to have appointed any appropriate law-enforcement officer as his agent
23 for the purpose of arranging for the transportation and safe storage of such vehicle."

24 Section 3.(b) This section applies to the Town of Chapel Hill only.

25 Section 4. This act is effective when it becomes law.

**2000 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES**

The following report(s) from standing committee(s) is/are presented:

By Representative(s) **Culpepper** for the Committee on **Rules, Calendar and Operations of the House.**

House Committee Substitute #1 for

S.B. 1447 A BILL TO BE ENTITLED AN ACT TO MAKE SUNDRY AMENDMENTS CONCERNING THE TOWN OF CHAPEL HILL AND KNIGHTDALE.

- With a favorable report.
- With a favorable report and recommendation that the bill be re-referred to the Committee on Appropriations Finance .
- With a favorable report, as amended.
- With a favorable report, as amended, and recommendation that the bill be re-referred to the Committee on Appropriations Finance .
- With a favorable report as to House committee substitute bill #2, which changes the title, unfavorable as to House Committee Substitute Bill #1.
- With a favorable report as to House committee substitute bill (#), which changes the title, unfavorable as to Senate committee substitute bill.
- With an unfavorable report.
- With recommendation that the House concur.
- With recommendation that the House do not concur.
- With recommendation that the House do not concur; request conferees.
- With recommendation that the House concur; committee believes bill to be material.
- With an unfavorable report, with a Minority Report attached.
- Without prejudice.
- With an indefinite postponement report.
- With an indefinite postponement report, with a Minority Report attached.
- With recommendation that it be adopted. (HOUSE RESOLUTION ONLY)

5/25/00

MINUTES OF THE COMMITTEE ON RULES, CALENDAR AND OPERATIONS OF
THE HOUSE

June 29, 2000

The Committee on Rules, Calendar and Operations of the House met on June 29, 2000 at 2:00 p.m. in room 421 of the Legislative Office Building. The following members were present: Representative Culpepper, Chairman; Alexander, Allen, Boyd-McIntyre, Crawford, Gulley, Hill, Jarrell, McCombs, Nye, Tolson and Yongue.

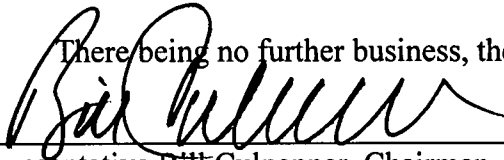
The following bills were considered:

SENATE COMMITTEE SUBSTITUTE 586 – AN ACT TO DIRECT THE JOINT LEGISLATIVE EDUCATION OVERSIGHT COMMITTEE TO STUDY THE LAW REGARDING THE DISTRIBUTION OF TEXTBOOKS TO THE PUBLIC SCHOOLS AND TO MAKE RECOMMENDATIONS REGARDING ANY CHANGES. The chairman stated that the bill was being used as a vehicle to consider a proposed House committee substitute which changes the title to AN ACT TO AUTHORIZE THE CREATION OF MILLENNIAL CAMPUSES AT THE CONSTITUENT INSTITUTIONS OF THE UNIVERSITY OF NORTH CAROLINA. Representative Nye moved for adoption of the proposed committee substitute for the purpose of discussion. It was so ordered without objection. Representative Haire was recognized to explain the proposed committee substitute. He stated that the bill has been proposed in order that the concept of the Centennial Campus at North Carolina State and the Horace Williams Campus at the University of North Carolina could be expanded to make it available to other schools within the university system. Establishment of millennial campuses would be available to any school within the university system that wanted to participate in the promotion of economic growth in rural North Carolina. The millennial campuses would be located adjacent to university campuses so that advantage could be taken of the academic and scientific facilities located there. There would be oversight by the University of North Carolina Board of Governors as well as the chancellors and boards of trustees of the respective universities. Interest has been expressed in this concept by several of the 14 university schools. Clifton Metcalf, representing the University system, was recognized and spoke in favor of the bill. Representative Alexander moved that the proposed committee substitute be given a favorable report, unfavorable as to the Senate committee substitute. The motion carried.

COMMITTEE SUBSTITUTE FOR HOUSE BILL 1696 – AN ACT TO CLARIFY THE AUTHORITY OF THE COMMISSIONER OF INSURANCE AND STATE FIRE MARSHAL TO ESTABLISH PUBLIC PROTECTION CLASSIFICATIONS FOR FIRE INSURANCE RATING PURPOSES AND TO APPROPRIATE FUNDS FOR THAT PURPOSE. A proposed committee substitute #2 was offered and Representative McCombs moved for adoption of the proposed committee substitute #2 for the purpose of discussion. Without objection, the chairman so ruled. Proposed committee substitute #2 changes the title to AN ACT TO CLARIFY THE AUTHORITY OF THE COMMISSIONER OF INSURANCE AND STATE FIRE

MARSHAL TO ESTABLISH PUBLIC PROTECTION CLASSIFICATIONS FOR FIRE INSURANCE RATING PURPOSES. The original bill contained an appropriation and was given a favorable report by the Insurance Committee and rereferred to the Appropriations Committee. However, funds to implement the bill were included in the appropriation bill, and the appropriation is not now needed. Representative Wainwright, bill sponsor, was recognized to explain proposed committee substitute #2. He stated that the bill expands the Commissioner's authority to establish public protection classifications for fire departments and fire districts of towns and cities with populations of 100,000 or less. Representative Nye moved to give proposed committee substitute #2 a favorable report, unfavorable as to committee substitute #1. The motion carried.

There being no further business, the meeting adjourned at 2:25 p.m.


Representative Bill Culpepper, Chairman


Dorothy C. Crocker, Committee Assistant

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1999

S

2

SENATE BILL 586
Education/Higher Education Committee Substitute Adopted 4/28/99

Short Title: Textbook Distribution System Modified.

(Public)

Sponsors:

Referred to:

March 29, 1999

1 A BILL TO BE ENTITLED
2 AN ACT TO DIRECT THE JOINT LEGISLATIVE EDUCATION OVERSIGHT
3 COMMITTEE TO STUDY THE LAW REGARDING THE DISTRIBUTION OF
4 TEXTBOOKS TO THE PUBLIC SCHOOLS AND TO MAKE
5 RECOMMENDATIONS REGARDING ANY CHANGES.
6 The General Assembly of North Carolina enacts:
7 Section 1. The Joint Legislative Education Oversight Committee shall
8 study the law regarding the distribution of textbooks to the public schools. The
9 Committee shall examine whether the current method is cost-effective, efficient, and
10 provides prompt service to all local school administrative units. The Committee also
11 shall examine whether modifications or other distribution methods would be more
12 cost effective, efficient, or provide improved service to local school administrative
13 units.
14 Section 2. The Joint Legislative Education Oversight Committee may
15 report its findings and recommendations to the 2000 Regular Session of the 1999
16 General Assembly, or to the 2001 General Assembly.
17 Section 3. This act is effective when it becomes law.

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1999

S

D

S586-CSRW-002

PROPOSED COMMITTEE SUBSTITUTE

Senate Bill 586

THIS IS A DRAFT 29-JUN-00 11:47:02

ATTENTION: LINE NUMBERS MAY CHANGE AFTER ADOPTION

Short Title: UNC Millennial Campuses.

(Public)

Sponsors:

Referred to:

March 29, 1999

1 A BILL TO BE ENTITLED
2 AN ACT TO AUTHORIZE THE CREATION OF MILLENNIAL CAMPUSES AT THE
3 CONSTITUENT INSTITUTIONS OF THE UNIVERSITY OF NORTH CAROLINA.
4 The General Assembly of North Carolina enacts:
5 Section 1. The catch line of G.S. 116-36.5 reads as
6 rewritten:
7 "§ 116-36.5. Centennial Campus trust fund; Horace Williams Campus
8 trust fund. fund; Millennial Campuses' trust funds."
9 Section 2. G.S. 116-36.5 is amended by adding a new
10 subsection to read:
11 "(c) All moneys received through development of a Millennial
12 Campus of a constituent institution of The University of North
13 Carolina as defined by G.S. 116-198.33(4b), from whatever source,
14 including the net proceeds from the lease or rental of real
15 property on a Millennial Campus, shall be placed in a special,
16 continuing, and nonreverting trust fund having the sole and
17 exclusive use for further development of that Millennial Campus,
18 including its operational development. This fund shall be
19 treated in the manner of institutional trust funds as provided in
20 G.S. 116-36.1. This fund shall be deemed an additional and

1 alternative method of funding the Millennial Campus and not an
2 exclusive one. To the extent that any general, special, or local
3 law is inconsistent with this section, it is declared
4 inapplicable to this section."

5 Section 3. The title of Article 21B of Chapter 116 of
6 the General Statutes reads as rewritten:

7 "The Centennial Campus and Campus, the Horace Williams Campus
8 Campus, and the Millennial Campuses Financing Act."

9 Section 4. G.S. 116-198.31 reads as rewritten:

10 "§ 116-198.31. Purpose of Article.

11 The purpose of this Article is to authorize the Board of
12 Governors of The University of North Carolina to issue revenue
13 bonds, payable from any leases, rentals, charges, fees, and other
14 revenues but with no pledge of taxes or the faith and credit of
15 the State or any agency or political subdivision thereof, to pay
16 the cost, in whole or part, of buildings, structures, or other
17 facilities for the Centennial Campus, located at North Carolina
18 State University at Raleigh and Raleigh, for the Horace Williams
19 Campus located at the University of North Carolina at Chapel
20 Hill. Hill, and for any Millennial Campus as defined by G.S. 116-
21 198.33(4b)."

22 Section 5. G.S. 116-198.33 reads as rewritten:

23 "§ 116-198.33. Definitions.

24 As used in this Article, the following words and terms shall
25 have the following meanings, unless the context shall indicate
26 another or different meaning or intent:

27 (1) The word 'Board' shall mean the Board of Governors
28 of The University of North Carolina.

29 (2) The word 'cost' as applied to any project, shall
30 include the cost of acquisition or construction;
31 the cost of acquisition of all property, both real
32 and personal, or interests therein; the cost of
33 demolishing, removing, or relocating any buildings
34 or structures on land so acquired, including the
35 cost of acquiring any lands to which such buildings
36 or structures may be removed or relocated; the cost
37 of all labor, materials, equipment and furnishings,
38 financing charges, interest prior to and during
39 construction and, if deemed advisable by the Board,
40 for a period not exceeding one year after
41 completion of such construction; provisions for
42 working capital, reserves for debt service and for
43 extensions, enlargements, additions, and
44 improvements; cost of engineering, financial, and

- 1 legal services, plans, specifications, studies,
2 surveys, and estimates of cost and of revenues;
3 administrative expenses; expenses necessary or
4 incident to determining the feasibility or
5 practicability of constructing the project; and
6 such other expenses as may be necessary or incident
7 to acquisition or construction with respect to the
8 project or to the placing of the project in
9 operation. Any obligation or expense incurred by
10 the Board prior to the issuance of bonds under the
11 provisions of this Article in connection with any
12 of the foregoing items of cost may be regarded as a
13 part of such cost.
- 14 (3) The word 'Institution' shall mean North Carolina
15 State University at Raleigh and the University of
16 North Carolina at Chapel Hill, Hill, or a
17 constituent institution of The University of North
18 Carolina with a Millennial Campus as defined by
19 G.S. 116-198.33(4b).
- 20 (4) The term 'Centennial Campus' means all of the
21 following properties:
- 22 a. The real property and appurtenant facilities
23 bounded by Blue Ridge Road, Hillsborough
24 Street, Wade Avenue, and Interstate 440 that
25 are the sites of the College of Veterinary
26 Medicine, the University Club, and the
27 Agricultural Turf Grass Management Program.
- 28 b. The real property and appurtenant facilities
29 that are the former Dix Hospital properties
30 and other contiguous parcels of property that
31 are adjacent to Centennial Boulevard.
- 32 c. All other real property and appurtenant
33 facilities designated by the Board of
34 Governors as part of the Centennial Campus.
35 The properties designated by the Board of
36 Governors do not have to be contiguous with
37 the Centennial Campus to be designated as part
38 of that Campus.
- 39 (4a) The term 'Horace Williams Campus' means all of the
40 following properties:
- 41 a. The real property and appurtenant facilities
42 left to the University of North Carolina at
43 Chapel Hill by the Will of Henry Horace
44 Williams.

1 b. All other real property and appurtenant
2 facilities designated by the Board of
3 Governors as part of the Horace Williams
4 Campus. The properties designated by the Board
5 of Governors do not have to be contiguous with
6 the Horace Williams Campus to be designated as
7 part of that Campus.

8 (4b) The term 'Millennial Campus' means all real
9 property and appurtenant facilities designated by
10 the Board of Governors as part of a Millennial
11 Campus of a constituent institution of The
12 University of North Carolina other than North
13 Carolina State University or the University of
14 North Carolina at Chapel Hill. The properties
15 designated by the Board of Governors do not have to
16 be contiguous with the constituent institution to
17 be designated as part of the institution's
18 Millennial Campus.

19 (5) The term 'existing facilities' shall mean buildings
20 and facilities, then existing, any part of the
21 revenues of which are pledged under the provisions
22 of any resolution authorizing the issuance of
23 revenue bonds hereunder to the payment of such
24 bonds.

25 (6) The word 'project' shall mean and shall include any
26 one or more buildings, structures, administration
27 buildings, libraries, research or instructional
28 facilities, housing maintenance, storage, or
29 utility facilities, and any facilities related
30 thereto or required or useful for conducting of
31 research or the operation of the Centennial ~~Campus~~
32 ~~or Campus~~, the Horace Williams Campus, or of a
33 Millennial Campus as defined by G.S. 116-
34 198.33(4b), including roads, water, sewer, power,
35 gas, greenways, parking, or any other support
36 facilities essential or convenient for the orderly
37 conduct of the Centennial ~~Campus~~ ~~or Campus~~, the
38 Horace Williams ~~Campus~~ Campus, or a Millennial
39 Campus, respectively.

40 (7) The word 'revenues' shall mean all or any part of
41 the rents, leases, charges, fees, and other income
42 revenues derived from or in connection with any
43 project or projects and existing facilities."

44 Section 6. G.S. 116-198.34 reads as rewritten:

1 "§ 116-198.34. General powers of Board of Governors.

2 The Board may exercise any one or more of the following powers:

- 3 (1) To determine the location and character of any
4 project or projects, and to acquire, construct, and
5 provide the same, and to maintain, repair, and
6 operate, and to enter into contracts for the
7 management, lease, use, or operation of all or any
8 portion of any project or projects and any existing
9 facilities.
- 10 (2) To issue revenue bonds as hereinafter provided to
11 pay all or any part of the cost of any project or
12 projects, and to fund or refund the same.
- 13 (3) To fix and revise from time to time and charge and
14 collect rates, fees, rents, and charges for the use
15 of, and for the services furnished by, all or any
16 portion of any project or projects.
- 17 (4) To establish and enforce, and to agree through any
18 resolution or trust agreement authorizing or
19 securing bonds under this Article to make and
20 enforce, rules and regulations for the use of and
21 services rendered by any project or projects and
22 any existing facilities, to provide for the maximum
23 use of any project or projects and any existing
24 facilities.
- 25 (5) To acquire, hold, lease, and dispose of real and
26 personal property in the exercise of its powers and
27 the performance of its duties hereunder and to
28 lease all or any part of any project or projects
29 and any existing facilities upon such terms and
30 conditions as the Board determines, subject to the
31 provisions of G.S. 143-341 and Chapter 146 of the
32 General Statutes.

33 Notwithstanding G.S. 143-341 and Chapter 146
34 of the General Statutes, a disposition by easement,
35 lease, or rental agreement of space in any building
36 on the Centennial ~~Campus~~ or Campus, on the Horace
37 Williams ~~Campus~~ Campus, or on a Millennial Campus
38 made for a period of 10 years or less shall not
39 require the approval of the Governor and the
40 Council of State. All other acquisitions and
41 dispositions made under this subdivision are
42 subject to the provisions of G.S. 143-341 and
43 Chapter 146 of the General Statutes.

- 1 (6) To employ consulting engineers, architects,
2 attorneys, accountants, construction and financial
3 experts, superintendents, managers, and such other
4 employees and agents as may be necessary in its
5 judgment in connection with any project or projects
6 and existing facilities, and to fix their
7 compensation.
- 8 (7) To make and enter into all contracts and agreements
9 necessary or incidental to the performance of its
10 duties and the execution of its powers under this
11 Article.
- 12 (8) To receive and accept from any federal, State, or
13 other public agency and any private agency, person
14 or other entity donations, loans, grants, aid, or
15 contributions of any money, property, labor, or
16 other things of value for any project or projects,
17 and to agree to apply and use the same in
18 accordance with the terms and conditions under
19 which the same are provided.
- 20 (8a) To designate the real property and appurtenant
21 facilities to be included as part of the Centennial
22 ~~Campus~~ or Campus, the Horace Williams ~~Campus~~
23 ~~Campus~~, or a Millennial Campus.
- 24 (8b) Acting on recommendation made by the President of
25 The University of North Carolina after consultation
26 by the President with the Chancellor and the Board
27 of Trustees of a constituent institution, to
28 designate real property held by, or to be acquired
29 by, a constituent institution as a 'Millennial
30 Campus' of the institution. That designation shall
31 be based on an express finding by the Board of
32 Governors that the institution desiring to create a
33 'Millennial Campus' has the administrative and
34 fiscal capability to create and maintain such a
35 campus and provided further, that the Board of
36 Governors has found that the creation of the
37 constituent institution's 'Millennial Campus' will
38 enhance the institution's research, teaching, and
39 service missions as well as enhance the economic
40 development of the region served by the
41 institution. Additionally, the Board of Governors
42 may authorize two or more constituent institutions
43 which meet the requirements of this section to
44 create a joint Millennial Campus.

1 (9) . To do all acts and things necessary or convenient
2 to carry out the powers granted by this Article."

3 Section 7. G.S. 116-198.35 reads as rewritten:

4 "**§ 116-198.35. Issuance of bonds and bond anticipation notes.**

5 The Board is hereby authorized to issue, subject to the
6 approval of the Director of the Budget, at one time or from time
7 to time, revenue bonds of the Board for the purpose of paying all
8 or any part of the cost of acquiring, constructing, or providing
9 any project or projects on the Centennial ~~Campus~~ or Campus, on
10 the Horace Williams ~~Campus~~ Campus, or on a Millennial Campus.
11 The bonds of each issue shall be dated, shall mature at such time
12 or times not exceeding 40 years from their date or dates, shall
13 bear interest at such rate or rates as may be determined by the
14 Board, and may be redeemable before maturity, at the option of
15 the Board, at such price or prices and under such terms and
16 conditions as may be fixed by the Board prior to the issuance of
17 the bonds. The Board shall determine the form and manner of
18 execution of the bonds, including any interest coupons to be
19 attached thereto, and shall fix the denomination or denominations
20 of the bonds and the place or places of payment of principal and
21 interest, which may be at any bank or trust company within or
22 without the State. In case any officer whose signature or a
23 facsimile of whose signature shall appear on any bonds or coupons
24 shall cease to be such officer before the delivery of such bonds,
25 such signature or such facsimile shall nevertheless be valid and
26 sufficient for all purposes the same as if he had remained in
27 office until such delivery. Notwithstanding any of the other
28 provisions of this Article or any recitals in any bonds issued
29 under the provisions of this Article, all such bonds shall be
30 deemed to be negotiable instruments under the laws of this State,
31 subject only to the provisions for registration in any resolution
32 authorizing the issuance of such bonds or any trust agreement
33 securing the same. The bonds may be issued in coupon or
34 registered form or both or as book-entry bonds, as the Board may
35 determine, and provision may be made for the registration of any
36 coupon bonds as to principal alone and also as to both principal
37 and interest, and for the reconversion into coupon bonds of any
38 bonds registered as to both principal and interest. The Board may
39 sell such bonds in such manner, at public or private sale, and
40 for such price, as it may determine to be for the best interests
41 of the Board.

42 The proceeds of the bonds of each issue shall be used solely
43 for the purpose for which such bonds shall have been authorized
44 and shall be disbursed in such manner and under such

1 restrictions, if any, as the Board may provide in the resolution
2 authorizing the issuance of such bonds or in the trust agreement
3 hereinafter mentioned securing the same. Unless otherwise
4 provided in the authorizing resolution or in the trust agreement
5 securing such bonds, if the proceeds of such bonds, by error of
6 estimates or otherwise, shall be less than such cost, additional
7 bonds may in like manner be issued to provide the amount of such
8 deficit and shall be deemed to be of the same issue and shall be
9 entitled to payment from the same fund without preference or
10 priority of the bonds first issued for the same purpose.

11 The resolution providing for the issuance of revenue bonds, and
12 any trust agreement securing such bonds, may also contain such
13 limitations upon the issuance of additional revenue bonds as the
14 Board may deem proper, and such additional bonds shall be issued
15 under such restrictions and limitations as may be prescribed by
16 such resolution or trust agreement.

17 Prior to the preparation of definitive bonds, the Board may,
18 under like restrictions, issue interim receipts or temporary
19 bonds, with or without coupons, exchangeable for definitive bonds
20 when such bonds shall have been executed and are available for
21 delivery. The Board may also provide for the replacement of any
22 bonds which shall become mutilated or be destroyed or lost.

23 Except as herein otherwise provided, bonds may be issued under
24 this Article and other powers vested in the Board under this
25 Article may be exercised by the Board without obtaining the
26 consent of any department, division, commission, board, bureau,
27 or agency of the State and without any other proceedings or the
28 happening of any other conditions or things than those
29 proceedings, conditions, or things which are specifically
30 required by this Article.

31 The Board may enter into or negotiate a note with an acceptable
32 bank or trust company in lieu of issuing bonds for the financing
33 of projects covered under this section. The terms and conditions
34 of any note of this nature shall be in accordance with the terms
35 and conditions surrounding issuance of bonds.

36 The Board is hereby authorized to issue, subject to the
37 approval of the Director of the Budget, at one time or from time
38 to time, revenue bond anticipation notes of the Board in
39 anticipation of the issuance of bonds authorized pursuant to the
40 provisions of this Article. The principal of and the interest on
41 such notes shall be payable solely from the proceeds of bonds or
42 renewal notes, or, in the event bond or renewal note proceeds are
43 not available, any available revenues of the project or projects
44 for which such bonds shall have been authorized. The notes of

1 each issue shall be dated, shall mature at such time or times not
2 exceeding two years from their date or dates, shall bear interest
3 at such rate or rates as may be determined by the Board, and may
4 be redeemable before maturity, at the option of the Board, at
5 such price or prices and under such terms and conditions as may
6 be fixed by the Board prior to the issuance of the notes. The
7 Board shall determine the form and the manner of execution of the
8 notes, including any interest coupons to be attached thereto, and
9 shall fix the denomination or denominations of the notes and the
10 place or places of payment of principal and interest, which may
11 be at any bank or trust company within or without the State. In
12 case any officer whose signature or a facsimile of whose
13 signature shall appear on any notes or coupons shall cease to be
14 such officer before the delivery of such notes, such signature or
15 such facsimile shall nevertheless be valid and sufficient for all
16 purposes the same as if he had remained in office until such
17 delivery. Notwithstanding any of the other provisions of this
18 Article or any recitals in any notes issued under the provisions
19 of this Article, all such notes shall be deemed to be negotiable
20 instruments under the laws of this State, subject only to the
21 provisions for registration in any resolution authorizing the
22 issuance of such notes or any trust agreement securing the bonds
23 in anticipation of which such notes are being issued. The notes
24 may be issued in coupon or registered form or both or as book
25 entry notes, as the Board may determine, and provision may be
26 made for the registration of any coupon notes as to principal
27 alone and also as to both principal and interest, and for the
28 reconversion into coupon notes of any notes registered as to both
29 principal and interest. The Board may sell such notes in such
30 manner, at public or private sale, and for such price, as it may
31 determine to be for the best interests of the Board.

32 The proceeds of the notes of each issue shall be used solely
33 for the purpose for which the bonds in anticipation of which such
34 notes are being issued shall have been authorized, and such note
35 proceeds shall be disbursed in such manner and under such
36 restrictions, if any, as the Board may provide in the resolution
37 authorizing the issuance of such notes or bonds or in the trust
38 agreement securing such bonds.

39 The resolution providing for the issuance of notes, and any
40 trust agreement securing the bonds in anticipation of which such
41 notes are being authorized, may also contain such limitations
42 upon the issuance of additional notes as the Board may deem
43 proper, and such additional notes shall be issued under such
44 restrictions and limitations as may be prescribed by such

1 resolution or trust agreement. The Board may also provide for the
2 replacement of any notes which shall become mutilated or be
3 destroyed or lost.

4 Except as herein otherwise provided, notes may be issued under
5 this Article and other powers vested in the Board under this
6 Article may be exercised by the Board without obtaining the
7 consent of any department, division, commission, board, bureau,
8 or agency of the State and without any other proceedings or the
9 happening of any other conditions or things than those
10 proceedings, conditions, or things which are specifically
11 required by this Article.

12 Unless the context shall otherwise indicate, the word 'bonds'
13 wherever used in this Article, shall be deemed and construed to
14 include the words 'bond anticipation notes.'"

15 Section 8. G.S. 116-198.37 reads as rewritten:

16 "§ 116-198.37. Fixing fees, rents, and charges; sinking fund.

17 For the purpose of aiding in the acquisition, construction, or
18 provision of any project and the maintenance, repair, and
19 operation of any project or any existing facilities, the Board is
20 authorized to fix, revise from time to time, charge, and collect
21 such fee or fees for such privileges and services and in such
22 amount or amounts as the Board shall determine, and to fix,
23 revise from time to time, charge, and collect other fees, rents,
24 and charges for the use of and for the services furnished or to
25 be furnished by any project or projects and any existing
26 facilities, or any portion thereof, and to contract with any
27 person, partnership, association, or corporation for the lease,
28 use, occupancy, or operation of any project or projects and any
29 existing facilities, or any part thereof, and to fix the terms,
30 conditions, fees, rents, and charges for any such lease, use,
31 occupancy, or operation. So long as bonds issued hereunder and
32 payable therefrom are outstanding, such fees, rents, and charges
33 shall be so fixed and adjusted, with relation to other revenues
34 available therefor, as to provide funds pursuant to the
35 requirements of the resolution or trust agreement authorizing or
36 securing such bonds at least sufficient with such other revenues,
37 if any, (i) to pay the cost of maintaining, repairing, and
38 operating any project or projects and any existing facilities any
39 part of the revenues of which are pledged to the payment of the
40 bonds issued for such project or projects, (ii) to pay the
41 principal of and the interest on such bonds as the same shall
42 become due and payable, and (iii) to create and maintain reserves
43 for such purposes. Any surplus funds remaining after application
44 to the purposes mentioned in (i), (ii), and (iii), above, shall

1 be held in trust and applied by the Board to the development of
2 the Centennial ~~Campus~~ or Campus, the Horace Williams ~~Campus~~
3 Campus, or a Millennial Campus, as applicable. Such fees, rents,
4 and charges shall not be subject to supervision or regulation by
5 any other commission, board, bureau, or agency of the State. A
6 sufficient amount of the revenues, except such part thereof as
7 may be necessary to pay such cost of maintenance, repair, and
8 operation and to provide such reserves therefor and for renewals,
9 replacements, extensions, enlargements, and improvements as may
10 be provided for in the resolution authorizing the issuance of
11 such bonds or in the trust agreement securing the same, shall be
12 set aside at such regular intervals as may be provided in such
13 resolution or such trust agreement in a sinking fund which is
14 hereby pledged to and charged with the payment of the principal
15 of and the interest on such bonds as the same shall become due
16 and the redemption price or the purchase price of bonds retired
17 by call or purchase as therein provided. Such pledge shall be
18 valid and binding from the time when the pledge is made; the
19 fees, rents, and charges and other revenues or other moneys so
20 pledged and thereafter received by the Board shall immediately be
21 subject to the lien of such pledge without any physical delivery
22 thereof or further act; and the lien of any such pledge shall be
23 valid and binding as against all parties having claims of any
24 kind in tort, contract, or otherwise against the Board,
25 irrespective of whether such parties have notice thereof. Neither
26 the resolution nor any trust agreement by which a pledge is
27 created need be filed or recorded except in the records of the
28 Board. The use and disposition of moneys to the credit of such
29 sinking fund shall be subject to the provisions of the resolution
30 authorizing the issuance of such bonds or of the trust agreement
31 securing the same."

32 Section 9. G.S. 146-30(b1) reads as rewritten:

33 "(b1) Notwithstanding the other provisions of this section, no
34 service charge into the State Land Fund shall be deducted from or
35 levied against the proceeds of any disposition by lease, rental,
36 or easement of State lands that are designated as part of the
37 Centennial Campus as defined by ~~G.S. 116-198.33(4)~~ or G.S. 116-
38 198.33(4), that are designated as part of the Horace Williams
39 Campus as defined by ~~G.S. 116-198.33(4a)~~ G.S. 116-198.33(4a), or
40 that are designated as part of a Millennial Campus as defined by
41 G.S. 116-198.33(4b). All net proceeds of those dispositions are
42 governed by G.S. 116-36.5."

43 Section 10. G.S. 66-58(b) reads as rewritten:

1 "(b) The provisions of subsection (a) of this section shall
2 not apply to:

- 3 (1) Counties and municipalities.
- 4 (2) The Department of Health and Human Services or the
5 Department of Agriculture and Consumer Services for
6 the sale of serums, vaccines, and other like
7 products.
- 8 (3) The Department of Administration, except that the
9 agency shall not exceed the authority granted in
10 the act creating the agency.
- 11 (4) The State hospitals for the mentally ill.
- 12 (5) The Department of Health and Human Services.
- 13 (6) The North Carolina School for the Blind at Raleigh.
- 14 (6a) The Office of Juvenile Justice.
- 15 (7) The North Carolina Schools for the Deaf.
- 16 (8) The Greater University of North Carolina with
17 regard to its utilities and other services now
18 operated by it nor to the sale of articles produced
19 incident to the operation of instructional
20 departments, articles incident to educational
21 research, articles of merchandise incident to
22 classroom work, meals, books, or to articles of
23 merchandise not exceeding twenty-five cents (25¢)
24 in value when sold to members of the educational
25 staff or staff auxiliary to education or to duly
26 enrolled students or occasionally to immediate
27 members of the families of members of the
28 educational staff or of duly enrolled students nor
29 to the sale of meals or merchandise to persons
30 attending meetings or conventions as invited guests
31 nor to the operation by the University of North
32 Carolina of an inn or hotel and dining and other
33 facilities usually connected with a hotel or inn,
34 nor to the hospital and Medical School of the
35 University of North Carolina, nor to the Coliseum
36 of North Carolina State University at Raleigh, and
37 the other schools and colleges for higher education
38 maintained or supported by the State, nor to the
39 Centennial Campus of North Carolina State
40 University at Raleigh, nor to the Horace Williams
41 Campus of the University of North Carolina at
42 Chapel Hill, nor to a Millennial Campus of a
43 constituent institution of The University of North
44 Carolina, nor to the comprehensive student health

- 1 services or the comprehensive student infirmaries
2 maintained by the constituent institutions of the
3 University of North Carolina.
- 4 (9) The Department of Environment and Natural
5 Resources, except that the Department shall not
6 construct, maintain, operate or lease a hotel or
7 tourist inn in any park over which it has
8 jurisdiction. The North Carolina Wildlife Resources
9 Commission may sell wildlife memorabilia as a
10 service to members of the public interested in
11 wildlife conservation.
- 12 (10) Child-caring institutions or orphanages receiving
13 State aid.
- 14 (11) Highlands School in Macon County.
- 15 (12) The North Carolina State Fair.
- 16 (13) Rural electric memberships corporations.
- 17 (13a) State Farm Operations Commission.
- 18 (13b) The Department of Agriculture and Consumer
19 Services with regard to its lessees at
20 farmers' markets operated by the Department.
- 21 (13c) The Western North Carolina Agricultural
22 Center.
- 23 (13d) Agricultural centers or livestock facilities
24 operated by the Department of Agriculture and
25 Consumer Services.
- 26 (14) Nothing herein contained shall be construed to
27 prohibit the engagement in any of the activities
28 described in subsection (a) hereof by a firm,
29 corporation or person who or which is a lessee of
30 space only of the State of North Carolina or any of
31 its departments or agencies; provided the leases
32 shall be awarded by the Department of
33 Administration to the highest bidder, as provided
34 by law in the case of State contracts and which
35 lease shall be for a term of not less than one year
36 and not more than five years.
- 37 (15) The State Department of Correction is authorized to
38 purchase and install automobile license tag plant
39 equipment for the purpose of manufacturing license
40 tags for the State and local governments and for
41 such other purposes as the Department may direct.
- 42 The Commissioner of Motor Vehicles, or such
43 other authority as may exercise the authority to
44 purchase automobile license tags is hereby directed

1 to purchase from, and to contract with, the State
2 Department of Correction for the State automobile
3 license tag requirements from year to year.

4 The price to be paid to the State Department of
5 Correction for the tags shall be fixed and agreed
6 upon by the Governor, the State Department of
7 Correction, and the Motor Vehicle Commissioner, or
8 such authority as may be authorized to purchase the
9 supplies.

10 (16) Laundry services performed by the Department of
11 Correction may be provided only for agencies and
12 instrumentalities of the State which are supported
13 by State funds and for county or municipally
14 controlled and supported hospitals presently being
15 served by the Department of Correction, or for
16 which services have been contracted or applied for
17 in writing, as of May 22, 1973. In addition to the
18 prior sentence, laundry services performed by the
19 Department of Correction may be provided for the
20 Governor Morehead School and the North Carolina
21 School for the Deaf.

22 The services shall be limited to wet-washing,
23 drying and ironing of flatwear or flat goods such
24 as towels, sheets and bedding, linens and those
25 uniforms prescribed for wear by the institutions
26 and further limited to only flat goods or apparel
27 owned, distributed or controlled entirely by the
28 institutions and shall not include processing by
29 any dry-cleaning methods; provided, however, those
30 garments and items presently being serviced by wet-
31 washing, drying and ironing may in the future, at
32 the election of the Department of Correction, be
33 processed by a dry-cleaning method.

34 (17) The North Carolina Global TransPark Authority or a
35 lessee of the Authority.

36 (18) The activities and products of private enterprise
37 carried on or manufactured within a State prison
38 facility pursuant to G.S. 148-70.

39 (19) The North Carolina Justice Academy.

40 (20) The Department of Transportation, or any nonprofit
41 lessee of the Department, for the sale of books,
42 crafts, gifts, and other tourism-related items at
43 visitor centers owned by the Department."

44 Section 11. This act is effective when it becomes law.

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1999

H

2

HOUSE BILL 1696
Committee Substitute Favorable 6/22/00

Short Title: Fire Ins. Public Protection/AB.

(Public)

Sponsors:

Referred to:

May 25, 2000

A BILL TO BE ENTITLED

1
2 AN ACT TO CLARIFY THE AUTHORITY OF THE COMMISSIONER OF
3 INSURANCE AND STATE FIRE MARSHAL TO ESTABLISH PUBLIC
4 PROTECTION CLASSIFICATIONS FOR FIRE INSURANCE RATING
5 PURPOSES AND TO APPROPRIATE FUNDS FOR THAT PURPOSE.

6 The General Assembly of North Carolina enacts:

7 Section 1. G.S. 58-36-10(3) reads as rewritten:

8 "(3) In the case of fire property insurance rates, ~~as are subject to the~~
9 ~~ratemaking authority of the Bureau,~~ rates under this Article,
10 consideration may be given to the experience of such fire property
11 insurance business during the most recent five-year period for
12 which that experience is available. In the case of fire property
13 insurance rates ~~that are subject to the ratemaking authority of the~~
14 ~~Bureau,~~ under this Article, consideration shall be given to the
15 insurance public protection classifications of rural fire districts
16 ~~based upon standards~~ fire districts established by the
17 Commissioner. ~~To the extent credits are provided for proximity to~~
18 ~~fire hydrants, the Bureau may also provide appropriate credits in~~
19 ~~public protection classifications for optional water sources, such as~~
20 ~~ponds, lakes, or other bodies of water, in accordance with~~
21 ~~standards and procedures filed with and approved by the~~
22 ~~Commissioner.~~ The Commissioner shall establish and modify from
23 time to time insurance public protection districts for all rural areas

1 of the State and for cities with populations of 100,000 or fewer,
2 according to the most recent annual population estimates certified
3 by the State Planning Officer. In establishing and modifying these
4 districts, the Commissioner shall use standards at least equivalent
5 to those used by the Insurance Services Office, Inc., or any
6 successor organization."

7 Section 2. G.S. 58-40-25(4) reads as rewritten:

8 "~~(4) With respect to fire insurance, to the extent credits are provided~~
9 ~~for proximity to fire hydrants, insurers may also provide~~
10 ~~appropriate credits in public protection classifications for optional~~
11 ~~water sources, such as ponds, lakes, or other bodies of water, in~~
12 ~~accordance with standards and procedures filed with and approved~~
13 ~~by the Commissioner. In the case of property insurance rates under~~
14 ~~this Article, consideration shall be given to the insurance public~~
15 ~~protection classifications of fire districts established by the~~
16 ~~Commissioner. The Commissioner shall establish and modify from~~
17 ~~time to time insurance public protection districts for all rural areas~~
18 ~~of the State and for cities with populations of 100,000 or fewer,~~
19 ~~according to the most recent annual population estimates certified~~
20 ~~by the State Planning Officer. In establishing and modifying these~~
21 ~~districts, the Commissioner shall use standards at least equivalent~~
22 ~~to those used by the Insurance Services Office, Inc., or any~~
23 ~~successor organization."~~

24 Section 3. There is appropriated from the Department of Insurance Fund
25 established in G.S. 58-6-25 to the Department of Insurance the sum of one hundred
26 fifty thousand dollars (\$150,000) for the 2000-2001 fiscal year for the expenses of
27 establishing and modifying the insurance public protection classifications of fire
28 districts as provided in G.S. 58-36-10(3) and G.S. 58-40-25(4).

29 Section 4. This act becomes effective July 1, 2000.

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1999

H

D

H1696-CSRW-001

PROPOSED COMMITTEE SUBSTITUTE

House Bill 1696

THIS IS A DRAFT 29-JUN-00 11:39:33

ATTENTION: LINE NUMBERS MAY CHANGE AFTER ADOPTION

Short Title: Fire Ins. Public Protection/AB.

(Public)

Sponsors:

Referred to:

May 25, 2000

1 A BILL TO BE ENTITLED
2 AN ACT TO CLARIFY THE AUTHORITY OF THE COMMISSIONER OF INSURANCE
3 AND STATE FIRE MARSHAL TO ESTABLISH PUBLIC PROTECTION
4 CLASSIFICATIONS FOR FIRE INSURANCE RATING PURPOSES.
5 The General Assembly of North Carolina enacts:
6 Section 1. G.S. 58-36-10(3) reads as rewritten:
7 "(3) In the case of fire property insurance rates, ~~as~~
8 ~~are subject to the ratemaking authority of the~~
9 ~~Bureau, rates under this Article,~~ consideration may
10 be given to the experience of such fire property
11 insurance business during the most recent five-year
12 period for which that experience is available. In
13 the case of fire property insurance rates ~~that are~~
14 ~~subject to the ratemaking authority of the Bureau,~~
15 under this Article, consideration shall be given to
16 the insurance public protection classifications of
17 rural fire districts based upon standards fire
18 districts established by the Commissioner. ~~To the~~
19 ~~extent credits are provided for proximity to fire~~
20 ~~hydrants, the Bureau may also provide appropriate~~

1 ~~credits in public protection classifications for~~
2 ~~optional water sources, such as ponds, lakes, or~~
3 ~~other bodies of water, in accordance with standards~~
4 ~~and procedures filed with and approved by the~~
5 ~~Commissioner. The Commissioner shall establish and~~
6 ~~modify from time to time insurance public~~
7 ~~protection districts for all rural areas of the~~
8 ~~State and for cities with populations of 100,000 or~~
9 ~~fewer, according to the most recent annual~~
10 ~~population estimates certified by the State~~
11 ~~Planning Officer. In establishing and modifying~~
12 ~~these districts, the Commissioner shall use~~
13 ~~standards at least equivalent to those used by the~~
14 ~~Insurance Services Office, Inc., or any successor~~
15 ~~organization.~~"

16 Section 2. G.S. 58-40-25(4) reads as rewritten:

17 "(4) ~~With respect to fire insurance, to the extent~~
18 ~~credits are provided for proximity to fire~~
19 ~~hydrants, insurers may also provide appropriate~~
20 ~~credits in public protection classifications for~~
21 ~~optional water sources, such as ponds, lakes, or~~
22 ~~other bodies of water, in accordance with standards~~
23 ~~and procedures filed with and approved by the~~
24 ~~Commissioner. In the case of property insurance~~
25 ~~rates under this Article, consideration shall be~~
26 ~~given to the insurance public protection~~
27 ~~classifications of fire districts established by~~
28 ~~the Commissioner. The Commissioner shall establish~~
29 ~~and modify from time to time insurance public~~
30 ~~protection districts for all rural areas of the~~
31 ~~State and for cities with populations of 100,000 or~~
32 ~~fewer, according to the most recent annual~~
33 ~~population estimates certified by the State~~
34 ~~Planning Officer. In establishing and modifying~~
35 ~~these districts, the Commissioner shall use~~
36 ~~standards at least equivalent to those used by the~~
37 ~~Insurance Services Office, Inc., or any successor~~
38 ~~organization.~~"

39 Section 3. This act becomes effective July 1, 2000.

**2000 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES**

The following report(s) from standing committee(s) is/are presented:

By Representative(s) **Culpepper** for the Committee on **Rules, Calendar and Operations of the House.**

Committee Substitute for

S.B. 586 A BILL TO BE ENTITLED AN ACT TO DIRECT THE JOINT LEGISLATIVE EDUCATION OVERSIGHT COMMITTEE TO STUDY THE LAW REGARDING THE DISTRIBUTION OF TEXTBOOKS TO THE PUBLIC SCHOOLS AND TO MAKE RECOMMENDATIONS REGARDING ANY CHANGES.

- With a favorable report.
- With a favorable report and recommendation that the bill be re-referred to the Committee on Appropriations Finance .
- With a favorable report, as amended.
- With a favorable report, as amended, and recommendation that the bill be re-referred to the Committee on Appropriations Finance .
- With a favorable report as to House committee substitute bill which changes the title, unfavorable as to Senate Committee Substitute Bill.
- With a favorable report as to House committee substitute bill (#), which changes the title, unfavorable as to Senate committee substitute bill.
- With an unfavorable report.
- With recommendation that the House concur.
- With recommendation that the House do not concur.
- With recommendation that the House do not concur; request conferees.
- With recommendation that the House concur; committee believes bill to be material.
- With an unfavorable report, with a Minority Report attached.
- Without prejudice.
- With an indefinite postponement report.
- With an indefinite postponement report, with a Minority Report attached.
- With recommendation that it be adopted. (HOUSE RESOLUTION ONLY)

5/25/00

**2000 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES**

The following report(s) from standing committee(s) is/are presented:

By Representative(s) **Culpepper** for the Committee on **Rules, Calendar and Operations of the House.**

Committee Substitute for
H.B. 1696 A BILL TO BE ENTITLED AN ACT TO CLARIFY THE AUTHORITY OF THE COMMISSIONER OF INSURANCE AND STATE FIRE MARSHAL TO ESTABLISH PUBLIC PROTECTION CLASSIFICATIONS FOR FIRE INSURANCE RATING PURPOSES AND TO APPROPRIATE FUNDS FOR THAT PURPOSE.

- With a favorable report.
- With a favorable report and recommendation that the bill be re-referred to the Committee on Appropriations Finance .
- With a favorable report, as amended.
- With a favorable report, as amended, and recommendation that the bill be re-referred to the Committee on Appropriations Finance .
- With a favorable report as to committee substitute bill # 2, which changes the title, unfavorable as to Committee Substitute Bill # 1.
- With a favorable report as to House committee substitute bill (#), which changes the title, unfavorable as to Senate committee substitute bill.
- With an unfavorable report.
- With recommendation that the House concur.
- With recommendation that the House do not concur.
- With recommendation that the House do not concur; request conferees.
- With recommendation that the House concur; committee believes bill to be material.
- With an unfavorable report, with a Minority Report attached.
- Without prejudice.
- With an indefinite postponement report.
- With an indefinite postponement report, with a Minority Report attached.
- With recommendation that it be adopted. (HOUSE RESOLUTION ONLY)

VISITOR REGISTRATION SHEET

Rules

Name of Committee

6/29/00
Date

VISITORS: PLEASE SIGN BELOW AND RETURN TO COMMITTEE CLERK

<u>NAME</u>	<u>FIRM OR AGENCY AND ADDRESS</u>
Kenny Coble	Research Intern
Stacy Flannery	NCNCEA
Ann Lynch	CP&L
Don Mansueti	Payson & Spruill
HUGH TILSON	NCHA
Britt Scott	KCUH
John Pollock	ATEP
Hal Miller	NCACCT
Charles Mould	NC State
Clester B. Metcalf	UNC GA
Koz Smith	NCCEA
Deborah Ross	NCCEA
John Mendenhall	MS&S PA
Alvin Miller	Banks & Dixon LLP
John Rainey	
John Rainey	Payson & Spruill
Dan & Simmons	Valley Assoc.
Brent Paschal	Young, Hoopes
Gary Harris	NC Petroleum Mkts
Doug Hawley	" " "
Natalie English	Charlotte Chamber
Susany Valami	Nationwide
Markie Rogers	NC DOI
Stark H. McKenney	NC DOI
Jim Bradley	NC DOI
Henry Jones	Attorney - Raleigh
Robert Ross	Jordan Paice

MINUTES OF THE COMMITTEE ON RULES, CALENDAR AND OPERATIONS
OF THE HOUSE

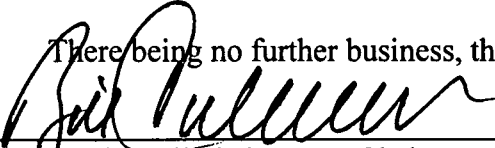
July 6, 2000

The Committee on Rules, Calendar and Operations of the House met on July 6, 2000 at 1:00 p.m. in Room 421 of the Legislative Office Building. The following members were present: Representatives Culpepper, Chairman; Boyd-McIntyre, Gulley, Jarrell, Nye, Wright and Yongue.


The following bill was considered:

HOUSE COMMITTEE SUBSTITUTE #2 FOR SENATE BILL 1152 – AN ACT AUTHORIZING CITIES TO DEMOLISH AND REMOVE CERTAIN NONRESIDENTIAL BUILDINGS AND STRUCTURES TO ENHANCE ECONOMIC DEVELOPMENT EFFORTS. The chairman announced that the bill had passed two House committees and had been returned to this committee for an adjustment. It was determined, however, that the adjustment was not necessary, and he asked for a motion that the bill be reported without prejudice. It was so moved by Representative Yongue, and the motion carried.

There being no further business, the meeting adjourned at 11:10 a.m.



Representative Bill Culpepper, Chairman



Dorothy C. Crocker, Committee Assistant

**2000 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES**

The following report(s) from standing committee(s) is/are presented:

By Representative(s) **Culpepper**, for the Committee on **Rules, Calendar and Operations of the House**.

House Committee Substitute #2 for
S.B. 1152 A BILL TO BE ENTITLED AN ACT AUTHORIZING CITIES TO DEMOLISH
AND REMOVE CERTAIN NONRESIDENTIAL BUILDINGS AND STRUCTURES TO
ENHANCE ECONOMIC DEVELOPMENT EFFORTS.

- With a favorable report.
- With a favorable report and recommendation that the bill be re-referred to the Committee on
Appropriations Finance .
- With a favorable report, as amended.
- With a favorable report, as amended, and recommendation that the bill be re-referred to the
Committee on Appropriations Finance .
- With a favorable report as to committee substitute bill (#), which changes the title,
unfavorable as to (original bill) (Committee Substitute Bill #), (and recommendation
that the committee substitute bill #) be re-referred to the Committee on .)
- With a favorable report as to House committee substitute bill (#), which changes
the title, unfavorable as to Senate committee substitute bill.
- With an unfavorable report.
- With recommendation that the House concur.
- With recommendation that the House do not concur.
- With recommendation that the House do not concur; request conferees.
- With recommendation that the House concur; committee believes bill to be material.
- With an unfavorable report, with a Minority Report attached.
- Without prejudice.
- With an indefinite postponement report.
- With an indefinite postponement report, with a Minority Report attached.
- With recommendation that it be adopted. (HOUSE RESOLUTION ONLY)

5/25/00

VISITOR REGISTRATION SHEET

~~HEALTH~~ RULES 7/6/00
 Name of Committee Date

VISITORS: PLEASE SIGN BELOW AND RETURN TO COMMITTEE CLERK

<u>NAME</u>	<u>FIRM OR AGENCY AND ADDRESS</u>
DAVID Everidge	NCAMA Winston-Salem
Larry Crisp	NCAMA Hickory NC
Ricky Godwin	Godwin Music Selma, NC
Jimmy Thorpe	Thorpe Music Co. RYAN, NC
DAVID ABBOTT	TRIPLE A AMUSEMENT/NCAMA / HENDERSON, NC
Ralph Amick	Vemco music co / NCAMA / Fayetteville, NC.
Fred Myers Jr.	Colonial Vending Co / NCAMA / Greensboro
Charles Johnson, Jr.	NCAMA Biscoe, N.C.
Marty Link	NCAMA Winston-Salem, N.C.
Baher Al-Jaouni	Conv-stori Greensboro
Steve Loshchov	NC Firm Bureau
Cussu Porter	
Carl Duran	WOSP
Annell Wilson	WMAZ
Hal Miller	NEACT
HUGH TILSON	NCHA
Max M... ..	Paper-Journal
Amey Jo. ...	NMS
Frank ...	NCAMA
Cam ...	B PM HL
Sona Shandilya	NCCADV
Alice Garland	Electric Cities
Jane ...	JASAC
Marilyn English	Charlotte Chamber
Gregory ...	N.C. ... Public Policy Assoc
Debrah Ross	ACU

JAMES

7 / 6 / 2000

MINUTES OF THE COMMITTEE ON RULES, CALENDAR AND OPERATIONS OF
THE HOUSE

July 7, 2000

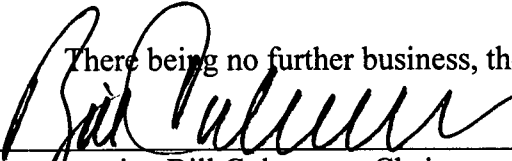
The Committee on Rules, Calendar and Operations of the House met on July 7, 2000 at 5:40 p.m. in Room 421 of the Legislative Office Building. The following members were present: Representatives Culpepper, Chairman; Hackney, Vice Chairman; Alexander, Allen, Boyd-McIntyre, Crawford, Gibson, Hill, Jarrell, McCombs, McMahan, Nye, Ramsey, Tolson, Wood, Yongue and ex officio members, Earle, Majority Whip, and Baddour, Majority Leader.

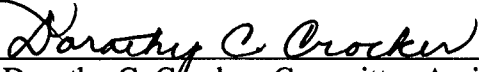
The following bill was considered:

COMMITTEE SUBSTITUTE FOR SENATE BILL 1542 – AN ACT TO MAKE POSSESSION OF VIDEO POKER AND OTHER VIDEO GAME MACHINES IN NORTH CAROLINA UNLAWFUL. A House committee substitute was offered and Representative Tolson moved for its adoption for the purpose of discussion. Without objection, it was so ordered. The House proposed committee substitute changed the title to AN ACT TO PLACE A MORATORIUM ON THE INTRODUCTION OF NEW VIDEO GAMING MACHINES INTO THIS STATE, TO LIMIT THE NUMBER OF VIDEO GAMING MACHINES TO THREE PER LOCATION, TO DEFINE LOCATION, TO PROVIDE FOR REGISTRATION OF MACHINES, TO REQUIRE REPORTS TO THE NEXT REGULAR SESSION OF THE GENERAL ASSEMBLY, EXEMPTING CERTAIN ACTIVITIES, INCREASING CRIMINAL PENALTIES FOR VIOLATION, PROVIDING FOR SUSPENSION OR REVOCATION OF LICENSES FOR VIOLATION, REQUIRING LABELING OF MACHINES AS TO PENALTIES FOR CASH PAYOUTS, AND PROVIDING FOR SEIZURE OF UNLAWFUL VIDEO GAMING MACHINES. Representative Goodwin was recognized to explain the proposed House committee substitute. He stated that he represents a district on the border of South Carolina and that he believed that the machines should be stopped from crossing the border, the penalties for gambling should be increased and the ability to enforce the anti-gambling statute should be enhanced. He then reviewed the bill followed by a lengthy discussion. Representative Baddour sent forth two amendments and moved for their adoption. Following discussion, the motions carried. Representative Hackney then sent forth an amendment and moved for its adoption. Following discussion, the motion carried. Representative Nye sent forth an amendment which he later withdrew following objection to it by Representative Goodwin. Representative Gibson sent forth an amendment and moved for its adoption. Following discussion, the motion carried. Copies of the amendments are attached herewith. Representative McMahan made a motion that the House committee substitute as amended be given a favorable report, unfavorable as to the Senate committee substitute. Without objection the vote was reconsidered and Representative McMahan's motion was changed to reflect that the amendments be incorporated into a new House committee substitute, that the new House committee substitute be given a favorable report, unfavorable as to the Senate committee substitute. The motion carried.

COMMITTEE SUBSTITUTE FOR HOUSE BILL 1049 – AN ACT
AMENDING THE LAWS RELATED TO THE LICENSURE OF PHYSICIANS IN
THIS STATE. The chairman stated that the bill had been returned to the committee for
the purpose of defining the term “fee splitting.” An amendment was offered and
Representative Crawford moved for its adoption. The motion passed. A technical
amendment was offered to incorporate in this bill the changes made to GS 90.15.1 by a
bill enacted this session. Representative Hackney moved for adoption of the technical
amendment, and the motion carried. Representative Crawford made a motion that the
amendments be incorporated into a new committee substitute, that the new committee
substitute be given a favorable report, unfavorable as to the original committee substitute.
The motion carried.

There being no further business, the meeting adjourned at 6:35 p.m.


Representative Bill Culpepper, Chairman


Dorothy C. Crocker, Committee Assistant

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1999

S

3

SENATE BILL 1542
Finance Committee Substitute Adopted 6/27/00
Third Edition Engrossed 6/29/00

Short Title: Video Poker Machines Illegal.

(Public)

Sponsors:

Referred to:

May 30, 2000

1 A BILL TO BE ENTITLED
2 AN ACT TO MAKE POSSESSION OF VIDEO POKER AND OTHER VIDEO
3 GAME MACHINES IN NORTH CAROLINA UNLAWFUL.
4 The General Assembly of North Carolina enacts:
5 Section 1. Chapter 14 of the General Statutes is amended by adding a
6 new section to read:
7 "§ 14-306.1. Types of machines and devices prohibited by law; penalties.
8 (a) Notwithstanding G.S. 14-306, it shall be unlawful for any person to keep on
9 that person's premises or to operate or permit to be kept on that person's premises
10 any video game machine on which any of the following games are played by
11 depositing a coin, credit card, or debit card, or by any other means which would
12 effectuate payment to activate the game:
13 (1) A video poker game or any other kind of video card game.
14 (2) A video bingo game.
15 (3) A video craps game.
16 (4) A video keno game.
17 (5) A video lotto game.
18 (6) A video game that involves matching different pictures, words,
19 numbers, or symbols.
20 This section shall not apply to assemblers, manufacturers, and transporters of the
21 prohibited machines and devices who assemble, manufacture, and transport them for

1 sale in another state as long as the machines, while located in this state, cannot be
2 used to play the prohibited games.

3 (b) Any person violating the provisions of this section is guilty of a Class 1
4 misdemeanor and, upon conviction, shall be fined not less than one thousand dollars
5 (\$1,000).

6 A second or subsequent violation of this section is a Class I felony.

7 A person violating the provisions of this section involving the operation or having
8 caused the operation of 10 or more machines prohibited by this section shall be guilty
9 of a Class G felony.

10 This section does not make unlawful or against public policy anything which on
11 July 1, 2000 was lawful for any federally recognized Indian Tribe under the Indian
12 Gaming Regulatory Act."

13 Section 2. G.S. 14-298 reads as rewritten:

14 "**§ 14-298. Gaming tables, illegal punchboards and slot machines to be destroyed by**
15 **police officers.**

16 All sheriffs and officers of police are hereby authorized and directed, on
17 information made to them on oath that any gaming table prohibited to be used by
18 G.S. 14-289 through 14-300, ~~or~~ any illegal punchboard or illegal slot ~~machine~~
19 machine, or any video game machine prohibited to be used by G.S. 14-306.1, is in the
20 possession or use of any person within the limits of their jurisdiction, to destroy the
21 same by every means in their power; and they shall call to their aid all the good
22 citizens of the county, if necessary, to effect its destruction."

23 Section 3. This act becomes effective December 1, 2000.

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1999

S

D

SENATE BILL 1542
Finance Committee Substitute Adopted 6/27/00
Third Edition Engrossed 6/29/00
Proposed House Committee Substitute S1542-PCS8685-LB

Short Title: Video Poker Machines.

(Public)

Sponsors:

Referred to:

May 30, 2000

1 A BILL TO BE ENTITLED
2 AN ACT TO PLACE A MORATORIUM ON THE INTRODUCTION OF NEW
3 VIDEO GAMING MACHINES INTO THIS STATE, TO LIMIT THE NUMBER
4 OF VIDEO GAMING MACHINES TO THREE PER LOCATION, TO DEFINE
5 LOCATION, TO PROVIDE FOR REGISTRATION OF MACHINES, TO
6 REQUIRE REPORTS TO THE NEXT REGULAR SESSION OF THE
7 GENERAL ASSEMBLY, EXEMPTING CERTAIN ACTIVITIES, INCREASING
8 CRIMINAL PENALTIES FOR VIOLATION, PROVIDING FOR SUSPENSION
9 OR REVOCATION OF LICENSES FOR VIOLATION, REQUIRING
10 LABELING OF MACHINES AS TO PENALTIES FOR CASH PAYOUTS, AND
11 PROVIDING FOR SEIZURE OF UNLAWFUL VIDEO GAMING MACHINES.
12 The General Assembly of North Carolina enacts:
13 Section 1. Chapter 14 of the General Statutes is amended by adding a
14 new section to read:
15 "§ 14-306.1. Types of machines and devices prohibited by law; penalties.
16 (a) Moratorium. -- It shall be unlawful for any person to operate, place into
17 operation, or keep in that person's possession for the purpose of operation any video
18 gaming machine as defined in subsection (c) of this section which was not in
19 operation in this State on or before June 29, 2000, if the machine would have been
20 unlawful but for the exception in G.S. 14-306(b). This subsection expires July 1,
21 2002.

1 (b) Prohibition of More Than Three Video Gaming Machines at One Location. --
2 It shall be unlawful for any person to operate, place into operation, or keep in that
3 person's possession for the purpose of operation at one location more than three
4 video gaming machines as defined in subsection (c) of this section which would have
5 been unlawful but for the exception in G.S. 14-306(b).

6 (c) Definitions. -- This section applies to the following games:

7 (1) A video poker game or any other kind of video card game.

8 (2) A video bingo game.

9 (3) A video craps game.

10 (4) A video keno game.

11 (5) A video lotto game.

12 (6) A video game that involves matching different pictures, words,
13 numbers, or symbols.

14 (7) Eight liner.

15 (8) Pot-of-gold.

16 For the purpose of this section, a video gaming machine is a video machine which
17 requires deposit of any coin, token, or use of any credit card, debit card, or any other
18 method that requires payment to activate play of any of the games listed in this
19 subsection.

20 (d) Proximity to Other Locations Regulated. -- Each location where it is lawful to
21 operate up to three machines shall be at least 300 feet in any plane from any other
22 location where such machines are operated. For the purpose of this section, a
23 location is a building, vehicle, or edifice having, or being within, a single exterior
24 structure. Notwithstanding this subsection, two or more places where video gaming
25 machines were lawfully operated under separate ownership on June 29, 2000, shall be
26 considered to be separate locations, regardless of the distance from each other or
27 whether they are located in the same building or edifice.

28 (e) Registration With Sheriff. -- No later than October 1, 2000, the owner of any
29 video game which is regulated by this section shall register the machine with the
30 Sheriff of the county in which the machine is located using a standardized
31 registration form supplied by the Sheriff. At any time that the video gaming machine
32 is moved to a different location, the owner shall reregister the machine with the
33 Sheriff prior to it being placed in operation. At a minimum, the registration form
34 shall require that the registrant provide evidence of the date on which the machine
35 was placed in operation, the serial number of the machine, the location of the facility
36 at which the machine is operated, and the name of the owner of the facility at which
37 the machine is operated. A valid State, county, or municipal license for that machine
38 with the appropriate date is prima facie evidence that such machine was in operation
39 on the date the license was issued. Each Sheriff shall report to the Joint Legislative
40 Commission on Governmental Operations no later than November 1, 2000, on the
41 total number of machines registered in that county, itemizing how many locations
42 have one, two, or three machines.

43 (f) Report to 2001 Session. -- The North Carolina Sheriffs' Association, Inc., after
44 consultation with the Division of Alcohol Law Enforcement, and the Conference of

1 District Attorneys of North Carolina, shall report to the Joint Legislative Commission
2 on Governmental Operations no later than January 1, 2001, its estimates of the costs
3 of the registration process and the cost of enforcement of this section, along with
4 suggested fees to make the registration and enforcement self-supporting, and
5 recommendations as to a system with registration at the State level and primary
6 enforcement at the local level. Such fee schedule is not effective until approved by
7 the General Assembly.

8 (g) Exemption for Certain Machines. -- This section shall not apply to assemblers,
9 manufacturers, and transporters of the prohibited machines and devices who
10 assemble, manufacture, and transport them for sale in another state as long as the
11 machines, while located in this State, cannot be used to play the prohibited games.

12 (h) Exemption for Activities Under IGRA. -- This section does not make any
13 activities of a federally recognized Indian Tribe unlawful or against public policy,
14 which are lawful for any federally recognized Indian Tribe under the Indian Gaming
15 Regulatory Act.

16 (i) Not Legalizing Unlawful Activity. -- This section does not make lawful any
17 activity which is currently unlawful."

18 Section 2. G.S. 105-113.4B reads as rewritten:

19 "**§ 105-113.4B. Reasons why the Secretary can cancel a license.**

20 (a) Reasons. -- The Secretary may cancel a license issued under this Article upon
21 the written request of the license holder. The Secretary may summarily cancel the
22 license of a license holder when the Secretary finds that the license holder is
23 incurring liability for the tax imposed under this Article after failing to pay a tax
24 when due under this Article. In addition, the Secretary may cancel the license of a
25 license holder that commits one or more of the following acts after holding a hearing
26 on whether the license should be cancelled:

27 (1) A violation of this Article.

28 (2) A violation of G.S. 14-401.18.

29 (3) A violation of any provision of G.S. 14-304 through G.S. 14-309.

30 (b) Procedure. -- The Secretary must send a person whose license is summarily
31 cancelled a notice of the cancellation and must give the person an opportunity to
32 have a hearing on the cancellation within 10 days after the cancellation. The
33 Secretary must give a person whose license may be cancelled after a hearing at least
34 10 days' written notice of the date, time, and place of the hearing. A notice of a
35 summary license cancellation and a notice of hearing must be sent by registered mail
36 to the last known address of the license holder."

37 Section 3. G.S. 14-309 reads as rewritten:

38 "**§ 14-309. Violation made ~~misdemeanor~~ criminal.**

39 (a) Any person who violates any provision of G.S. 14-304 through 14-309 is guilty
40 of a ~~Class 2 misdemeanor~~. Class 1 misdemeanor for the first offense, and is guilty of a
41 Class I felony for a second or subsequent offense.

42 (b) Notwithstanding the provisions of subsection (a) of this section, any person
43 violating the provisions of G.S. 14-306.1 involving the operation of 5 or more
44 machines prohibited by that section is guilty of a Class G felony.

1 (c) In addition to any other punishment imposed, the violator shall be, as a
2 condition of probation, prohibited from possessing any video gaming machine as
3 defined in G.S. 14-306.1 for a period of one year."

4 Section 4. G.S. 14-306 reads as rewritten:

5 "**§ 14-306. Slot machine or device defined.**

6 (a) Any machine, apparatus or device is a slot machine or device within the
7 provisions of G.S. 14-296 through 14-309, if it is one that is adapted, or may be
8 readily converted into one that is adapted, for use in such a way that, as a result of
9 the insertion of any piece of money or coin or other object, such machine or device is
10 caused to operate or may be operated in such manner that the user may receive or
11 become entitled to receive any piece of money, credit, allowance or thing of value, or
12 any check, slug, token or memorandum, whether of value or otherwise, or which may
13 be exchanged for any money, credit, allowance or any thing of value, or which may
14 be given in trade, or the user may secure additional chances or rights to use such
15 machine, apparatus or device; or any other machine or device designed and
16 manufactured primarily for use in connection with gambling and which machine or
17 device is classified by the United States as requiring a federal gaming device tax
18 stamp under applicable provisions of the Internal Revenue Code. This definition is
19 intended to embrace all slot machines and similar devices except slot machines in
20 which is kept any article to be purchased by depositing any coin or thing of value,
21 and for which may be had any article of merchandise which makes the same return
22 or returns of equal value each and every time it is operated, or any machine wherein
23 may be seen any pictures or heard any music by depositing therein any coin or thing
24 of value, or any slot weighing machine or any machine for making stencils by the use
25 of contrivances operated by depositing in the machine any coin or thing of value, or
26 any lock operated by slot wherein money or thing of value is to be deposited, where
27 such slot machines make the same return or returns of equal value each and every
28 time the same is operated and does not at any time it is operated offer the user or
29 operator any additional money, credit, allowance, or thing of value, or check, slug,
30 token or memorandum, whether of value or otherwise, which may be exchanged for
31 money, credit, allowance or thing of value or which may be given in trade or by
32 which the user may secure additional chances or rights to use such machine,
33 apparatus, or device, or in the playing of which the operator does not have a chance
34 to make varying scores or tallies.

35 (b) The definition contained in ~~the first paragraph~~ subsection (a) of this section
36 and G.S. 14-296, 14-301, 14-302, and 14-305 does not include coin-operated machines,
37 video games, and devices used for amusement. Included within this exception are
38 pinball machines, video games, and other mechanical devices that involve the use of
39 skill or dexterity to make varying scores or tallies and which, in actual operation,
40 limit to eight the number of accumulated credits or replays that may be played at one
41 time and which may award free replays or paper coupons that may be exchanged for
42 prizes or merchandise with a value not exceeding ten dollars (\$10.00), but may not be
43 exchanged or converted to money.

1 (c) Any video machine, the operation of which is made lawful by the last sentence
2 of subsection (b) of this section, shall have affixed to it in view of the player a sticker
3 informing that person that it is a criminal offense with the potential of imprisonment
4 to pay more than that which is allowed by law. In addition, if the machine has an
5 attract chip which allows programming, the static display shall contain the same
6 message.

7 (d) The exception in subsection (b) of this section does not apply to any machine
8 that pays off in cash. The exemption in subsection (b) of this section does not apply
9 where the prizes, merchandise, credits, or replays are (i) repurchased for cash or
10 rewarded by cash, (ii) exchanged for merchandise of a value of more than ten dollars
11 (\$10.00), or (iii) where there is a cash payout of any kind, by the person operating or
12 managing the machine or the premises, or any agent or employee of that person. It is
13 also a criminal offense, punishable under G.S. 14-309, for the person making the
14 unlawful payout to the player of the machine to violate this section, in addition to
15 any other person whose conduct may be unlawful."

16 Section 5. G.S. 14-298 reads as rewritten:

17 **"§ 14-298. Gaming tables, illegal punchboards and slot machines to be destroyed by**
18 **police officers.**

19 All sheriffs and officers of police are hereby authorized and directed, on
20 information made to them on oath that any gaming table prohibited to be used by
21 G.S. 14-289 through G.S. 14-300, or any illegal punchboard or illegal slot machine
22 machine, or any video game machine prohibited to be used by G.S. 14-306 or G.S.
23 14-306.1, is in the possession or use of any person within the limits of their
24 jurisdiction, to destroy the same by every means in their power; and they shall call to
25 their aid all the good citizens of the county, if necessary, to effect its destruction.

26 Notwithstanding the previous paragraph, if any video gaming machine as defined
27 in G.S. 14-306.1 is seized for a violation of G.S. 14-306.1, but was not owned by the
28 operator of the premises on which it was operated and the violation was not within
29 the knowledge of the owner of the machine, the machine shall not be destroyed but
30 shall be made available for pickup by the owner, and it is unlawful for such machine
31 to be returned to the same location where it was unlawfully operated."

32 Section 6. The Legislative Research Commission shall study the
33 implementation of this act and recommend any changes it deems necessary in order
34 to strengthen this act. Notwithstanding G.S. 120-30.11, the Commission may make its
35 report under this section to the 2001 General Assembly no later than April 1, 2001.

36 Section 7. The provisions of this act are severable. If any provision of
37 this act is held invalid by a court of competent jurisdiction, the invalidity does not
38 affect other provisions of this act that can be given effect without the invalid
39 provision.

40 Section 8. This act becomes effective October 1, 2000, except that:

- 41 (1) G.S. 14-306.1, other than subsections (b) and (d), is effective when
42 this act becomes law.
- 43 (2) Sections 3 and 4 of this act become effective with respect to
44 offenses committed on or after October 1, 2000, except as to a

- 1 violation of G.S. 14-306.1(a), they are effective when they become
2 law.
3 (3) Sections 5 through 8 of this act are effective when they become
4 law.
5 (4) The remainder of this act becomes effective October 1, 2000.

PLEASE PRESS HARD - 5 COPIES

NORTH CAROLINA GENERAL ASSEMBLY AMENDMENT

(Please type or use ballpoint pen)

EDITION No. _____

H. B. No. _____

DATE _____

S. B. No. 1542

Amendment No. _____

(to be filled in by
Principal Clerk)

COMMITTEE SUBSTITUTE _____

Rep.) _____
Sen.) 2 / 31

1 moves to amend the bill on page _____, line _____

2 () WHICH CHANGES THE TITLE

3 by adding, immediately after the period the words

4 AT ANY TIME THAT THE VIDEO GAMING

5 MACHINE IS MOVED TO A DIFFERENT

6 LOCATION, THE OWNER SHALL

7 Re-Register the MACHINE WITH THE

8 Sheriff, prior to it being placed in

9 operation.

SIGNED _____

ADOPTED _____ FAILED _____ TABLED _____

PLEASE PRESS HARD - 5 COPIES

NORTH CAROLINA GENERAL ASSEMBLY AMENDMENT

(Please type or use ballpoint pen)

EDITION No. _____

H. B. No. _____

DATE 7/7/00

S. B. No. 1542

Amendment No. _____

(to be filled in by
Principal Clerk)

COMMITTEE SUBSTITUTE _____

Rep.) Baddour

Sen.) 3

41

1 moves to amend the bill on page _____, line _____

2 () WHICH CHANGES THE TITLE "10" and substituting ~~"4"~~ "5"
3 by deleting

4 _____

5 _____

6 _____

7 _____

8 _____

9 _____

10 _____

11 _____

12 _____

13 _____

14 _____

15 _____

16 _____

17 _____

18 _____

SIGNED _____

PLEASE PRESS HARD - 5 COPIES

NORTH CAROLINA GENERAL ASSEMBLY AMENDMENT

(Please type or use ballpoint pen)

EDITION No. _____

H. B. No. _____

DATE _____

S. B. No. 1542 PCS

Amendment No. _____

(to be filled in by
Principal Clerk)

COMMITTEE SUBSTITUTE _____

Rep.) Hickney
Sen.) _____

1 moves to amend the bill on page 5, line 3 9-10

2 () WHICH CHANGES THE TITLE

3 by Rewriting such lines as follows:

4
5 where the prizes or merchandise or credits
6 or replays are (i) repurchased for cash or
7 rewarded by cash, or (ii) exchanged for
8 merchandise of a value of more than ten
9 dollars (\$10.00), or where there is a
10 cash payout of any kind, by the
11 person operating or

SIGNED Hickney

ADOPTED _____ FAILED _____ TABLED _____

PLEASE PRESS HARD - 5 COPIES

NORTH CAROLINA GENERAL ASSEMBLY AMENDMENT

(Please type or use ballpoint pen)

EDITION No. _____

H. B. No. _____

DATE _____

S. B. No. _____

Amendment No. _____

COMMITTEE SUBSTITUTE _____

(to be filled in by
Principal Clerk)

Rep.)

Sen.)

1 moves to amend the bill on page 2, line 21

2 () WHICH CHANGES THE TITLE

3 by _____

4 after the word "300 feet"

6 and before the word "from"

8 insert "in any plane"

10 _____

11 _____

12 _____

13 _____

14 _____

15 _____

16 _____

17 _____

18 _____

SIGNED Gibson

ADOPTED FAILED TABLED

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1999

H

3

HOUSE BILL 1049
Second Edition Engrossed 4/27/99
Committee Substitute Favorable 7/6/00

Short Title: Physician Licensure.

(Public)

Sponsors:

Referred to:

April 14, 1999

1 A BILL TO BE ENTITLED

2 AN ACT AMENDING THE LAWS RELATED TO THE LICENSURE OF
3 PHYSICIANS IN THIS STATE.

4 The General Assembly of North Carolina enacts:

5 Section 1. G.S. 90-5 reads as rewritten:

6 "**§ 90-5. Meetings of Board.**

7 The North Carolina Medical Board shall assemble at least once in every year in
8 the City of ~~Raleigh~~, and shall remain in session from day to day until all applicants
9 ~~who may present themselves for examination within the first two days of this meeting~~
10 ~~have been examined and disposed of; other~~ Raleigh. Other meetings in each year
11 may be held at some suitable point in the State if deemed advisable."

12 Section 2. G.S. 90-9 reads as rewritten:

13 "**§ 90-9. Examination for license; scope; conditions and prerequisites.**

14 It is the duty of the North Carolina Medical Board to examine for license to
15 practice medicine or surgery, or any of the branches thereof, ~~every applicant who~~
16 ~~complies with the following provisions: the applicant shall, before admittance to~~
17 ~~examination, satisfy the Board of possession of academic education equal to the~~
18 ~~entrance requirements of the University of North Carolina, or furnish a certificate~~
19 ~~from the superintendent of public instruction of the county that the applicant has~~
20 ~~passed an examination upon literary attainments to meet the requirements of~~
21 ~~entrance in the regular course of the State University. The applicant shall exhibit a~~
22 ~~diploma or furnish satisfactory proof of graduation from a medical college or an~~

~~1 osteopathic college approved by the American Osteopathic Association at the time of
2 graduation, dated from January 1, 1960, to the present, and whose medical and
3 osteopathic schools shall require an attendance of not less than four years or for a
4 lesser period of time approved by the Board, and supply these facilities for clinical
5 and scientific instruction as meet the approval of the Board. An applicant shall have
6 graduated from a medical college approved by the Liaison Commission on Medical
7 Education or osteopathic college that has been approved by the American
8 Osteopathic Association; or, if graduated from any other medical or osteopathic
9 college, the applicant shall be enrolled in a graduate medical education and training
10 program in North Carolina that has been approved by the Board. An applicant who
11 has graduated from a medical college not approved by the Liaison Commission on
12 Medical Education or osteopathic college that has not been approved by the
13 American Osteopathic Association and who has not enrolled in a graduate medical
14 education and training program in North Carolina which has been approved by the
15 Board shall satisfy the Board that the applicant has successfully completed three years
16 of graduate medical education in a training program approved by the Board.
17 applicants for a medical license who meet eligibility requirements as provided by
18 Board rules. The Board may contract for the design of, application for, and
19 administration of the licensing examination through the Federation of State Medical
20 Boards of the U.S., Inc., its successor organization, or another organization approved
21 by the Board. No applicant from a medical or osteopathic college that has been
22 disapproved by the Board is eligible to take the examination.~~

23 The examination shall cover the branches of medical science and subjects which
24 the Board considers necessary to determine competence to practice medicine. The
25 Board may divide the examination into parts or components.

26 The Board shall grant the applicant a license authorizing the applicant to practice
27 medicine in any of its branches if the Board determines that the applicant has
28 successfully passed the examination, is of good moral character, satisfies the
29 requirements of the Board's rules, and is: is one of the following:

- 30 (1) a A graduate of a medical college approved by the Liaison
31 Commission on Medical Education or an osteopathic college
32 approved by the American Osteopathic Association and has
33 successfully completed one year of training in a medical education
34 program approved by the Board after graduation from medical
35 ~~school;~~ school.
- 36 (2) a A graduate of a medical college approved by the Liaison
37 Commission on Medical Education or an osteopathic college
38 approved by the American Osteopathic Association, is a dentist
39 licensed to practice dentistry under Article 2 of Chapter 90 of the
40 General Statutes, and has been certified by the American Board of
41 Oral and Maxillofacial Surgery after having completed a residency
42 in an Oral and Maxillofacial Surgery Residency Program approved
43 by the Board before completion of medical ~~school;~~ or school.

- 1 (3) a A graduate of a medical college that has not been approved by
2 the Liaison Commission on Medical Education or an osteopathic
3 college that has not been approved by the American Osteopathic
4 Association and has successfully completed three years of training
5 in a medical education program approved by the Board after
6 graduation from medical school.

7 ~~Applicants shall be examined by number only, names and other identifying~~
8 ~~information shall not appear on examination papers."~~

9 Section 3. G.S. 90-14 reads as rewritten:

10 "**§ 90-14. Revocation, suspension, annulment or denial of license.**

11 (a) The Board shall have the power to deny, annul, suspend, or revoke a license,
12 or other authority to practice medicine in this State, issued by the Board to any
13 person who has been found by the Board to have committed any of the following acts
14 or conduct, or for any of the following reasons:

- 15 (1) Immoral or dishonorable conduct.
16 (2) Producing or attempting to produce an abortion contrary to law.
17 (3) Made false statements or representations to the Board, or who has
18 willfully concealed from the Board material information in
19 connection with an application for a license.
20 (4) Repealed by Session Laws 1977, c. 838, s. 3.
21 (5) Being unable to practice medicine with reasonable skill and safety
22 to patients by reason of illness, drunkenness, excessive use of
23 alcohol, drugs, chemicals, or any other type of material or by
24 reason of any physical or mental abnormality. The Board is
25 empowered and authorized to require a physician licensed by it to
26 submit to a mental or physical examination by physicians
27 designated by the Board before or after charges may be presented
28 against the physician, and the results of the examination shall be
29 admissible in evidence in a hearing before the Board.
30 (6) Unprofessional conduct, including, but not limited to, departure
31 from, or the failure to conform to, the standards of acceptable and
32 prevailing medical practice, or the ethics of the medical profession,
33 irrespective of whether or not a patient is injured thereby, or the
34 committing of any act contrary to honesty, justice, or good morals,
35 whether the same is committed in the course of the physician's
36 practice or otherwise, and whether committed within or without
37 North Carolina. The Board shall not revoke the license of or deny
38 a license to a person solely because of that person's practice of a
39 therapy that is experimental, nontraditional, or that departs from
40 acceptable and prevailing medical practices unless, by competent
41 evidence, the Board can establish that the treatment has a safety
42 risk greater than the prevailing treatment or that the treatment is
43 generally not effective.

- 1 (7) Conviction in any court of a crime involving moral turpitude, or
2 the violation of a law involving the practice of medicine, or a
3 conviction of a felony; provided that a felony conviction shall be
4 treated as provided in subsection (c) of this section.
- 5 (8) By false representations has obtained or attempted to obtain
6 practice, money or anything of value.
- 7 (9) Has advertised or publicly professed to treat human ailments under
8 a system or school of treatment or practice other than that for
9 which the physician has been educated.
- 10 (10) Adjudication of mental incompetency, which shall automatically
11 suspend a license unless the Board orders otherwise.
- 12 (11) Lack of professional competence to practice medicine with a
13 reasonable degree of skill and safety for patients. In this connection
14 the Board may consider repeated acts of a physician indicating the
15 physician's failure to properly treat a patient. The Board may,
16 upon reasonable grounds, require a physician to submit to inquiries
17 or examinations, written or oral, by members of the Board or by
18 other physicians licensed to practice medicine in this State, as the
19 Board deems necessary to determine the professional qualifications
20 of such licensee.
- 21 (12) Promotion of the sale of drugs, devices, appliances or goods for a
22 patient, or providing services to a patient, in such a manner as to
23 exploit the patient, and upon a finding of the exploitation, the
24 Board may order restitution be made to the payer of the bill,
25 whether the patient or the insurer, by the physician; provided that
26 a determination of the amount of restitution shall be based on
27 credible testimony in the record.
- 28 (13) Having a license to practice medicine or the authority to practice
29 medicine revoked, suspended, restricted, or acted against or having
30 a license to practice medicine denied by the licensing authority of
31 any jurisdiction. For purposes of this subdivision, the licensing
32 authority's acceptance of a license to practice medicine voluntarily
33 relinquished by a physician or relinquished by stipulation, consent
34 order, or other settlement in response to or in anticipation of the
35 filing of administrative charges against the physician's license, is an
36 action against a license to practice medicine.
- 37 (14) The failure to respond, within a reasonable period of time and in a
38 reasonable manner as determined by the Board, to inquiries from
39 the Board concerning any matter affecting the license to practice
40 medicine.
- 41 (15) The failure to complete an amount not to exceed 150 hours of
42 continuing medical education during any three consecutive
43 calendar years pursuant to rules adopted by the Board.

- 1 (16) Allowing another person or organization to use a license issued by
2 the Board.
3 (17) The repeated prescribing of controlled substances for personal or
4 family use.
5 (18) Fee splitting.
6 (19) Failure to report to the Board disciplinary action in another state.
7 (20) Failure to make copies of patient records available to another
8 physician when legally requested to do so.

9 For any of the foregoing reasons, the Board may deny the issuance of a license to an
10 applicant or revoke a license issued to a physician, may suspend such a license for a
11 period of time, and may impose conditions upon the continued practice after such
12 period of suspension as the Board may deem advisable, may limit the accused
13 physician's practice of medicine with respect to the extent, nature or location of the
14 physician's practice as the Board deems advisable. The Board may, in its discretion
15 and upon such terms and conditions and for such period of time as it may prescribe,
16 restore a license so revoked or rescinded, except that no license that has been
17 revoked shall be restored for a period of two years following the date of revocation.
18 In addition to and in conjunction with the actions described above, the Board may
19 make a finding adverse to a licensee or applicant but withhold imposition of
20 judgment and penalty, or it may impose judgment and penalty but suspend
21 enforcement thereof and place the licensee on probation, which probation may be
22 vacated upon noncompliance with such reasonable terms as the Board may impose.
23 The Board may administer a public or private reprimand or a private letter of
24 concern, and the private reprimand and private letter of concern shall not require a
25 hearing in accordance with G.S. 90-14.2 and shall not be disclosed to any person
26 except the licensee. The Board may require a licensee to: (i) make specific redress or
27 monetary redress; (ii) provide free public or charity service; (iii) complete
28 educational, remedial training, or treatment programs; (iv) pay a fine; and (v)
29 reimburse the Board for disciplinary costs.

30 (b) ~~The Board shall~~ may refer to the State Medical Society Physician Health and
31 ~~Effectiveness Committee all physicians~~ North Carolina Physicians Health Program
32 any physician or physician assistant whose health and effectiveness have been
33 significantly impaired by alcohol, drug addiction or mental illness.

34 (c) A felony conviction shall result in the automatic revocation of a license issued
35 by the Board, unless the Board orders otherwise or receives a request for a hearing
36 from the person within 60 days of receiving notice from the Board, after the
37 conviction, of the provisions of this subsection. If the Board receives a timely request
38 for a hearing in such a case, the provisions of G.S. 90-14.2 shall be followed.

39 (d) The Board and its members and staff may release confidential or nonpublic
40 information to any health care licensure board in this State or another state about the
41 issuance, denial, annulment, suspension, or revocation of a license, or the voluntary
42 surrender of a license by a Board-licensed physician, including the reasons for the
43 action, or an investigative report made by the Board. ~~The Board shall notify the~~
44 ~~physician within 60 days after the information is transmitted. A summary of the~~

~~1 information that is being transmitted shall be furnished to the physician. If the
2 physician requests, in writing, within 30 days after being notified that such
3 information has been transmitted, he shall be furnished a copy of all information so
4 transmitted. The notice or copies of the information shall not be provided if the
5 information relates to an ongoing criminal investigation by any law enforcement
6 agency, or authorized Department of Health and Human Services personnel with
7 enforcement or investigative responsibilities.~~

8 (e) The Board and its members and staff shall not be held liable in any civil or
9 criminal proceeding for exercising, in good faith, the powers and duties authorized by
10 law."

11 Section 4. G.S. 90-15.1 reads as rewritten:

12 **"§ 90-15.1. Registration every year with Board.**

13 Every person licensed to practice medicine by the North Carolina Medical Board
14 shall register annually with the Board within 30 days of the person's birthday. A
15 person who registers with the Board shall report to the Board the person's name and
16 office and residence address and any other information required by the Board, and
17 shall pay a registration fee fixed by the Board not in excess of ~~one hundred dollars~~
18 ~~(\$100.00).~~ one hundred twenty-five dollars (\$125.00). A physician who is not actively
19 engaged in the practice of medicine in North Carolina and who does not wish to
20 register the license may direct the Board to place the license on inactive status. For
21 purposes of annual registration, the Board shall use a simplified registration form
22 which allows registrants to confirm information on file with the Board. A physician
23 who fails to register as required by this section shall pay an additional fee of twenty
24 dollars (\$20.00) to the Board. The license of any physician who fails to register and
25 who remains unregistered for a period of 30 days after certified notice of the failure is
26 automatically inactive. A person whose license is inactive shall not practice medicine
27 in North Carolina nor be required to pay the annual registration fee. Upon payment
28 of all accumulated fees and penalties, the license of the physician may be reinstated,
29 subject to the Board requiring the physician to appear before the Board for an
30 interview and to comply with other licensing requirements. The penalty may not
31 exceed the maximum fee for a license under G.S. 90-13."

32 Section 5. G.S. 90-18.1 is amended by adding the following new
33 subsection:

34 "(g) The provisions of G.S. 90-14 shall apply to physician assistants."

35 Section 6. The Legislative Research Commission may study the role
36 alternative health care providers have in the health care of the State's citizens and
37 the role they should have in an integrated health care system. The Commission may
38 study the need to acknowledge the role alternative health care providers serve in the
39 health care system and the need to license and regulate alternative health care
40 providers. The Legislative Research Commission may make a final report of its
41 findings and recommendations to the 2001 General Assembly.

42 Section 7. This act is effective when it becomes law.

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NORTH CAROLINA GENERAL ASSEMBLY
AMENDMENT
House Bill 1049

AMENDMENT NO. _____
(to be filled in by
Principal Clerk)
Page 1 of ____

H1049-ARB-7.6C

Date _____, 2000

Comm. Sub. [YES]
Amends Title []
Third Edition

Representative _____

1 moves to amend the bill on page 5, line 5, by rewriting the line to
2 read:
3 "(18) Fee splitting. For the purposes of this
4 subdivision, fee splitting is the offering or
5 receiving of any inducement, including but not
6 limited to financial remuneration, to refer a
7 patient. Fee splitting shall not include
8 compensation for professional services paid to
9 two or more health care providers for services
10 rendered in accordance with their respective
11 licenses when the patient is informed in advance
12 of the arrangement.".

SIGNED [Signature]
Amendment Sponsor

SIGNED _____
Committee Chair if Senate Committee Amendment

ADOPTED _____ FAILED _____ TABLED _____



**NORTH CAROLINA GENERAL ASSEMBLY
AMENDMENT
House Bill 1049**

AMENDMENT NO. _____
(to be filled in by
Principal Clerk)
Page 1 of _____

H1049-ARB-7.6D

Date _____, 2000

Comm. Sub. [YES]
Amends Title []
Third Edition

Representative _____

1 moves to amend the bill on page 6, line 11, by rewriting the line to
2 read:
3 "Section 4. G.S. 90-15.1, as amended by S.L. 2000-5, reads
4 as rewritten:";
5
6 and on page 6, line 26, by rewriting the line to read:
7 "automatically inactive. Except as provided in G.S. 90-12(d), a
8 person whose license is inactive shall not practice medicine".

SIGNED _____
Amendment Sponsor

SIGNED _____
Committee Chair if Senate Committee Amendment

ADOPTED _____ FAILED _____ TABLED _____

**2000 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES**

The following report(s) from standing committee(s) is/are presented:

By Representative(s) **Culpepper** for the Committee on **Rules, Calendar and Operations of the House.**

Committee Substitute for

S.B. 1542 A BILL TO BE ENTITLED AN ACT TO MAKE POSSESSION OF VIDEO POKER AND OTHER VIDEO GAME MACHINES IN NORTH CAROLINA UNLAWFUL.

- With a favorable report.
- With a favorable report and recommendation that the bill be re-referred to the Committee on Appropriations Finance .
- With a favorable report, as amended.
- With a favorable report, as amended, and recommendation that the bill be re-referred to the Committee on Appropriations Finance .
- With a favorable report as to committee substitute bill (# _____), which changes the title, unfavorable as to (original bill) (Committee Substitute Bill # _____), (and recommendation that the committee substitute bill # _____) be re-referred to the Committee on _____.)
- With a favorable report as to House committee substitute bill (~~# _____~~), which changes the title, unfavorable as to Senate committee substitute bill.
- With an unfavorable report.
- With recommendation that the House concur.
- With recommendation that the House do not concur.
- With recommendation that the House do not concur; request conferees.
- With recommendation that the House concur; committee believes bill to be material.
- With an unfavorable report, with a Minority Report attached.
- Without prejudice.
- With an indefinite postponement report.
- With an indefinite postponement report, with a Minority Report attached.
- With recommendation that it be adopted. (HOUSE RESOLUTION ONLY)

5/25/00

**2000 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES**

The following report(s) from standing committee(s) is/are presented:

By Representative(s) **Culpepper** for the Committee on **Rules, Calendar and Operations of the House.**

Committee Substitute for
H.B. 1049 A BILL TO BE ENTITLED AN ACT AMENDING THE LAWS RELATED TO
THE LICENSURE OF PHYSICIANS IN THIS STATE.

- With a favorable report.
- With a favorable report and recommendation that the bill be re-referred to the Committee on
Appropriations Finance .
- With a favorable report, as amended.
- With a favorable report, as amended, and recommendation that the bill be re-referred to the
Committee on Appropriations Finance .
- With a favorable report as to committee substitute bill (# 2), which changes the title,
unfavorable as to original bill Committee Substitute Bill # 1.
- With a favorable report as to House committee substitute bill (#), which changes
the title, unfavorable as to Senate committee substitute bill.
- With an unfavorable report.
- With recommendation that the House concur.
- With recommendation that the House do not concur.
- With recommendation that the House do not concur; request conferees.
- With recommendation that the House concur; committee believes bill to be material.
- With an unfavorable report, with a Minority Report attached.
- Without prejudice.
- With an indefinite postponement report.
- With an indefinite postponement report, with a Minority Report attached.
- With recommendation that it be adopted. (HOUSE RESOLUTION ONLY)

5/25/00

**COMMITTEE ON RULES, CALENDAR AND OPERATIONS OF THE HOUSE
MINUTES**

Friday, July 7, 2000

8:00 p.m.

The Committee on Rules, Calendar and Operations of the House met in the House Conference Room at 8:00 p.m. during a recess of the House session. The following members were present: Representatives Culpepper, Chairman and Representative Hackney, Vice Chairman; and Representatives Alexander, Allen, Boyd-McIntyre, Crawford, Jarrell, McCombs, McMahan, Nye, Tolson, Wood and Yongue.

Representative Culpepper called the meeting to order. House Bill 1049 – AN ACT AMENDING THE LAWS RELATED TO THE LICENSURE OF PHYSICIANS IN THIS STATE -- was back before the committee for correction. Representative Crawford moved to reconsider the vote by which the committee gave a favorable report to committee substitute #2 and unfavorable to committee substitute #1 for House Bill 1049 at an earlier committee meeting of the same day. Motion carried. The chairman explained that 3rd edition of House Bill 1049 with two amendments was before the committee.

Representative Yongue moved to reconsider the vote by which the committee adopted the second amendment to House Bill 1049. The amendment changed the bill on page 6, lines 11 and 26 and is an attachment to the minutes. Motion carried. The amendment was withdrawn.


Representative Wood moved to reconsider the vote by which the committee adopted the first amendment to House Bill 1049 which changed the bill on page 5, line 5. Amendment attached. Motion carried. Amendment was withdrawn.

Representative Boyd-McIntyre made a motion that the committee report Committee Substitute for House Bill 1049 without prejudice. Motion carried.

The meeting adjourned at 8:10 p.m.



Representative Bill Culpepper
Committee Chair



Anne M. Cole
Acting Committee Assistant

Attachments:
House Bill 1049 (Committee Substitute)
Amendments #1 and #2
Committee Report-

~~1 osteopathic college approved by the American Osteopathic Association at the time of
2 graduation, dated from January 1, 1960, to the present, and whose medical and
3 osteopathic schools shall require an attendance of not less than four years or for a
4 lesser period of time approved by the Board, and supply these facilities for clinical
5 and scientific instruction as meet the approval of the Board. An applicant shall have
6 graduated from a medical college approved by the Liaison Commission on Medical
7 Education or osteopathic college that has been approved by the American
8 Osteopathic Association; or, if graduated from any other medical or osteopathic
9 college, the applicant shall be enrolled in a graduate medical education and training
10 program in North Carolina that has been approved by the Board. An applicant who
11 has graduated from a medical college not approved by the Liaison Commission on
12 Medical Education or osteopathic college that has not been approved by the
13 American Osteopathic Association and who has not enrolled in a graduate medical
14 education and training program in North Carolina which has been approved by the
15 Board shall satisfy the Board that the applicant has successfully completed three years
16 of graduate medical education in a training program approved by the Board.
17 applicants for a medical license who meet eligibility requirements as provided by
18 Board rules. The Board may contract for the design of, application for, and
19 administration of the licensing examination through the Federation of State Medical
20 Boards of the U.S., Inc., its successor organization, or another organization approved
21 by the Board. No applicant from a medical or osteopathic college that has been
22 disapproved by the Board is eligible to take the examination.~~

23 The examination shall cover the branches of medical science and subjects which
24 the Board considers necessary to determine competence to practice medicine. The
25 Board may divide the examination into parts or components.

26 The Board shall grant the applicant a license authorizing the applicant to practice
27 medicine in any of its branches if the Board determines that the applicant has
28 successfully passed the examination, is of good moral character, satisfies the
29 requirements of the Board's rules, and is: is one of the following:

- 30 (1) a Δ graduate of a medical college approved by the Liaison
31 Commission on Medical Education or an osteopathic college
32 approved by the American Osteopathic Association and has
33 successfully completed one year of training in a medical education
34 program approved by the Board after graduation from medical
35 ~~school;~~ school.
- 36 (2) a Δ graduate of a medical college approved by the Liaison
37 Commission on Medical Education or an osteopathic college
38 approved by the American Osteopathic Association, is a dentist
39 licensed to practice dentistry under Article 2 of Chapter 90 of the
40 General Statutes, and has been certified by the American Board of
41 Oral and Maxillofacial Surgery after having completed a residency
42 in an Oral and Maxillofacial Surgery Residency Program approved
43 by the Board before completion of medical ~~school;~~ or school.

1 (3) a A graduate of a medical college that has not been approved by
2 the Liaison Commission on Medical Education or an osteopathic
3 college that has not been approved by the American Osteopathic
4 Association and has successfully completed three years of training
5 in a medical education program approved by the Board after
6 graduation from medical school.

7 ~~Applicants shall be examined by number only; names and other identifying~~
8 ~~information shall not appear on examination papers."~~

9 Section 3. G.S. 90-14 reads as rewritten:

10 "**§ 90-14. Revocation, suspension, annulment or denial of license.**

11 (a) The Board shall have the power to deny, annul, suspend, or revoke a license,
12 or other authority to practice medicine in this State, issued by the Board to any
13 person who has been found by the Board to have committed any of the following acts
14 or conduct, or for any of the following reasons:

15 (1) Immoral or dishonorable conduct.

16 (2) Producing or attempting to produce an abortion contrary to law.

17 (3) Made false statements or representations to the Board, or who has
18 willfully concealed from the Board material information in
19 connection with an application for a license.

20 (4) Repealed by Session Laws 1977, c. 838, s. 3.

21 (5) Being unable to practice medicine with reasonable skill and safety
22 to patients by reason of illness, drunkenness, excessive use of
23 alcohol, drugs, chemicals, or any other type of material or by
24 reason of any physical or mental abnormality. The Board is
25 empowered and authorized to require a physician licensed by it to
26 submit to a mental or physical examination by physicians
27 designated by the Board before or after charges may be presented
28 against the physician, and the results of the examination shall be
29 admissible in evidence in a hearing before the Board.

30 (6) Unprofessional conduct, including, but not limited to, departure
31 from, or the failure to conform to, the standards of acceptable and
32 prevailing medical practice, or the ethics of the medical profession,
33 irrespective of whether or not a patient is injured thereby, or the
34 committing of any act contrary to honesty, justice, or good morals,
35 whether the same is committed in the course of the physician's
36 practice or otherwise, and whether committed within or without
37 North Carolina. The Board shall not revoke the license of or deny
38 a license to a person solely because of that person's practice of a
39 therapy that is experimental, nontraditional, or that departs from
40 acceptable and prevailing medical practices unless, by competent
41 evidence, the Board can establish that the treatment has a safety
42 risk greater than the prevailing treatment or that the treatment is
43 generally not effective.

- 1 (7) Conviction in any court of a crime involving moral turpitude, or
2 the violation of a law involving the practice of medicine, or a
3 conviction of a felony; provided that a felony conviction shall be
4 treated as provided in subsection (c) of this section.
- 5 (8) By false representations has obtained or attempted to obtain
6 practice, money or anything of value.
- 7 (9) Has advertised or publicly professed to treat human ailments under
8 a system or school of treatment or practice other than that for
9 which the physician has been educated.
- 10 (10) Adjudication of mental incompetency, which shall automatically
11 suspend a license unless the Board orders otherwise.
- 12 (11) Lack of professional competence to practice medicine with a
13 reasonable degree of skill and safety for patients. In this connection
14 the Board may consider repeated acts of a physician indicating the
15 physician's failure to properly treat a patient. The Board may,
16 upon reasonable grounds, require a physician to submit to inquiries
17 or examinations, written or oral, by members of the Board or by
18 other physicians licensed to practice medicine in this State, as the
19 Board deems necessary to determine the professional qualifications
20 of such licensee.
- 21 (12) Promotion of the sale of drugs, devices, appliances or goods for a
22 patient, or providing services to a patient, in such a manner as to
23 exploit the patient, and upon a finding of the exploitation, the
24 Board may order restitution be made to the payer of the bill,
25 whether the patient or the insurer, by the physician; provided that
26 a determination of the amount of restitution shall be based on
27 credible testimony in the record.
- 28 (13) Having a license to practice medicine or the authority to practice
29 medicine revoked, suspended, restricted, or acted against or having
30 a license to practice medicine denied by the licensing authority of
31 any jurisdiction. For purposes of this subdivision, the licensing
32 authority's acceptance of a license to practice medicine voluntarily
33 relinquished by a physician or relinquished by stipulation, consent
34 order, or other settlement in response to or in anticipation of the
35 filing of administrative charges against the physician's license, is an
36 action against a license to practice medicine.
- 37 (14) The failure to respond, within a reasonable period of time and in a
38 reasonable manner as determined by the Board, to inquiries from
39 the Board concerning any matter affecting the license to practice
40 medicine.
- 41 (15) The failure to complete an amount not to exceed 150 hours of
42 continuing medical education during any three consecutive
43 calendar years pursuant to rules adopted by the Board.

- 1 (16) Allowing another person or organization to use a license issued by
2 the Board.
3 (17) The repeated prescribing of controlled substances for personal or
4 family use.
5 (18) Fee splitting.
6 (19) Failure to report to the Board disciplinary action in another state.
7 (20) Failure to make copies of patient records available to another
8 physician when legally requested to do so.

9 For any of the foregoing reasons, the Board may deny the issuance of a license to an
10 applicant or revoke a license issued to a physician, may suspend such a license for a
11 period of time, and may impose conditions upon the continued practice after such
12 period of suspension as the Board may deem advisable, may limit the accused
13 physician's practice of medicine with respect to the extent, nature or location of the
14 physician's practice as the Board deems advisable. The Board may, in its discretion
15 and upon such terms and conditions and for such period of time as it may prescribe,
16 restore a license so revoked or rescinded, except that no license that has been
17 revoked shall be restored for a period of two years following the date of revocation.
18 In addition to and in conjunction with the actions described above, the Board may
19 make a finding adverse to a licensee or applicant but withhold imposition of
20 judgment and penalty, or it may impose judgment and penalty but suspend
21 enforcement thereof and place the licensee on probation, which probation may be
22 vacated upon noncompliance with such reasonable terms as the Board may impose.
23 The Board may administer a public or private reprimand or a private letter of
24 concern, and the private reprimand and private letter of concern shall not require a
25 hearing in accordance with G.S. 90-14.2 and shall not be disclosed to any person
26 except the licensee. The Board may require a licensee to: (i) make specific redress or
27 monetary redress; (ii) provide free public or charity service; (iii) complete
28 educational, remedial training, or treatment programs; (iv) pay a fine; and (v)
29 reimburse the Board for disciplinary costs.

30 (b) ~~The Board shall~~ may refer to the State Medical Society Physician Health and
31 ~~Effectiveness Committee all physicians~~ North Carolina Physicians Health Program
32 any physician or physician assistant whose health and effectiveness have been
33 significantly impaired by alcohol, drug addiction or mental illness.

34 (c) A felony conviction shall result in the automatic revocation of a license issued
35 by the Board, unless the Board orders otherwise or receives a request for a hearing
36 from the person within 60 days of receiving notice from the Board, after the
37 conviction, of the provisions of this subsection. If the Board receives a timely request
38 for a hearing in such a case, the provisions of G.S. 90-14.2 shall be followed.

39 (d) The Board and its members and staff may release confidential or nonpublic
40 information to any health care licensure board in this State or another state about the
41 issuance, denial, annulment, suspension, or revocation of a license, or the voluntary
42 surrender of a license by a Board-licensed physician, including the reasons for the
43 action, or an investigative report made by the Board. ~~The Board shall notify the~~
44 ~~physician within 60 days after the information is transmitted. A summary of the~~

1 ~~information that is being transmitted shall be furnished to the physician. If the~~
2 ~~physician requests, in writing, within 30 days after being notified that such~~
3 ~~information has been transmitted, he shall be furnished a copy of all information so~~
4 ~~transmitted. The notice or copies of the information shall not be provided if the~~
5 ~~information relates to an ongoing criminal investigation by any law enforcement~~
6 ~~agency, or authorized Department of Health and Human Services personnel with~~
7 ~~enforcement or investigative responsibilities.~~

8 (e) The Board and its members and staff shall not be held liable in any civil or
9 criminal proceeding for exercising, in good faith, the powers and duties authorized by
10 law."

11 Section 4. G.S. 90-15.1 reads as rewritten:

12 "**§ 90-15.1. Registration every year with Board.**

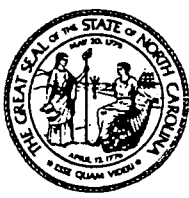
13 Every person licensed to practice medicine by the North Carolina Medical Board
14 shall register annually with the Board within 30 days of the person's birthday. A
15 person who registers with the Board shall report to the Board the person's name and
16 office and residence address and any other information required by the Board, and
17 shall pay a registration fee fixed by the Board not in excess of ~~one hundred dollars~~
18 ~~(\$100.00)~~ one hundred twenty-five dollars (\$125.00). A physician who is not actively
19 engaged in the practice of medicine in North Carolina and who does not wish to
20 register the license may direct the Board to place the license on inactive status. For
21 purposes of annual registration, the Board shall use a simplified registration form
22 which allows registrants to confirm information on file with the Board. A physician
23 who fails to register as required by this section shall pay an additional fee of twenty
24 dollars (\$20.00) to the Board. The license of any physician who fails to register and
25 who remains unregistered for a period of 30 days after certified notice of the failure is
26 automatically inactive. A person whose license is inactive shall not practice medicine
27 in North Carolina nor be required to pay the annual registration fee. Upon payment
28 of all accumulated fees and penalties, the license of the physician may be reinstated,
29 subject to the Board requiring the physician to appear before the Board for an
30 interview and to comply with other licensing requirements. The penalty may not
31 exceed the maximum fee for a license under G.S. 90-13."

32 Section 5. G.S. 90-18.1 is amended by adding the following new
33 subsection:

34 "(g) The provisions of G.S. 90-14 shall apply to physician assistants."

35 Section 6. The Legislative Research Commission may study the role
36 alternative health care providers have in the health care of the State's citizens and
37 the role they should have in an integrated health care system. The Commission may
38 study the need to acknowledge the role alternative health care providers serve in the
39 health care system and the need to license and regulate alternative health care
40 providers. The Legislative Research Commission may make a final report of its
41 findings and recommendations to the 2001 General Assembly.

42 Section 7. This act is effective when it becomes law.



NORTH CAROLINA GENERAL ASSEMBLY
AMENDMENT
House Bill 1049

AMENDMENT NO. _____
(to be filled in by
Principal Clerk)
Page 1 of _____

H1049-ARB-7.6C

Date _____, 2000

Comm. Sub. [YES]
Amends Title []
Third Edition

Representative _____

1 moves to amend the bill on page 5, line 5, by rewriting the line to
2 read:
3 "(18) Fee splitting. For the purposes of this
4 subdivision, fee splitting is the offering or
5 receiving of any inducement, including but not
6 limited to financial remuneration, to refer a
7 patient. Fee splitting shall not include
8 compensation for professional services paid to
9 two or more health care providers for services
10 rendered in accordance with their respective
11 licenses when the patient is informed in advance
12 of the arrangement."

SIGNED [Signature]
Amendment Sponsor

SIGNED _____
Committee Chair if Senate Committee Amendment

ADOPTED _____ FAILED _____ TABLED _____



NORTH CAROLINA GENERAL ASSEMBLY
AMENDMENT
House Bill 1049

AMENDMENT NO. _____
(to be filled in by
Principal Clerk)
Page 1 of _____

H1049-ARB-7.6D

Date _____, 2000

Comm. Sub. [YES]
Amends Title []
Third Edition

Representative

1 moves to amend the bill on page 6, line 11, by rewriting the line to
2 read:
3 "Section 4. G.S. 90-15.1, as amended by S.L. 2000-5, reads
4 as rewritten:";
5
6 and on page 6, line 26, by rewriting the line to read:
7 "automatically inactive. Except as provided in G.S. 90-12(d), a
8 person whose license is inactive shall not practice medicine".

SIGNED [Signature]
Amendment Sponsor

SIGNED _____
Committee Chair if Senate Committee Amendment

ADOPTED _____ FAILED _____ TABLED _____

MINUTES OF THE COMMITTEE ON RULES, CALENDAR AND OPERATIONS OF
THE HOUSE

July 11, 2000

The Committee on Rules, Calendar and Operations of the House met on July 11, 2000 at 1:45 p.m. in Room 421 of the Legislative Office Building. The following members were present: Representatives Culpepper, Chairman; Hackney, Vice Chairman; Crawford, Gibson, Gulley, Luebke, McCombs, Nye, Tolson, Wood and Yongue.

The following bills were considered:

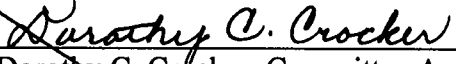
SENATE COMMITTEE SUBSTITUTE #2 FOR HOUSE BILL 1340 – AN ACT TO ESTABLISH THE RESPIRATORY CARE PRACTICE ACT, TO PROVIDE FOR THE PROMPT PAYMENT OF CLAIMS UNDER HEALTH BENEFIT PLANS, AND TO MAKE CONFORMING AMENDMENTS TO RELATED CLAIM PAYMENT LAWS. The chairman announced that the bill was before the committee on the issue of concurrence. Representative Nye was recognized to comment on the Senate committee substitute. He reviewed the changes made to the original bill, and comments were made by Bill Hale of the Insurance Department in support of the committee substitute. Representative Nye moved that the committee recommend that the House concur with Senate committee substitute #2, and the motion carried.

SENATE BILL 1454 – AN ACT TO PROHIBIT THE SHINING OF LIGHTS IN DEER AREAS IN HAYWOOD COUNTY. Following a short discussion, Representative Tolson moved that the bill be given a favorable report, and the motion passed.

COMMITTEE SUBSTITUTE FOR HOUSE BILL 1508 – AN ACT TO ELIMINATE THE FINGERPRINTING REQUIREMENT FOR RENEWAL OF A CONCEALED HANDGUN PERMIT WHERE DOING SO WOULD NOT IMPEDE CRIMINAL RECORD UPDATES; TO DECREASE THE FEE FOR RENEWAL OF A CONCEALED HANDGUN PERMIT; AND TO CLARIFY THAT THE RELEASE FORM SUBMITTED FOR A CONCEALED HANDGUN APPLICANT'S MENTAL HEALTH RECORDS MAY BE AN ORIGINAL OR PHOTOCOPIED FORM. The chairman remarked that the bill had passed the House and was amended on the floor of the Senate and returned to the House for concurrence. Attached is a copy of the amendment which extends the time for which the permit is valid from four to five years. Representative Gibson moved that the committee recommend that the House concur in the Senate amendment, and the motion carried.

There being no further business, the meeting adjourned at 2:10 p.m.


Representative Bill Culpepper, Chairman


Dorothy C. Crocker, Committee Assistant

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1999

H

4

HOUSE BILL 1340
Committee Substitute Favorable 6/23/99
Senate Health Care Committee Substitute Adopted 6/15/00
Senate Finance Committee Substitute No. 2 Adopted 6/29/00

Short Title: Respiratory Care Practice Act.

(Public)

Sponsors:

Referred to:

April 26, 1999

1 A BILL TO BE ENTITLED
2 AN ACT TO ESTABLISH THE RESPIRATORY CARE PRACTICE ACT, TO
3 PROVIDE FOR THE PROMPT PAYMENT OF CLAIMS UNDER HEALTH
4 BENEFIT PLANS, AND TO MAKE CONFORMING AMENDMENTS TO
5 RELATED CLAIM PAYMENT LAWS.

6 The General Assembly of North Carolina enacts:

7 Section 1. Chapter 90 of the General Statutes is amended by adding a
8 new Article to read:

9 "ARTICLE 38.
10 "Respiratory Care Practice Act.

11 "§ 90-646. Short title.

12 This Article may be cited as the 'Respiratory Care Practice Act'.

13 "§ 90-647. Purpose.

14 The General Assembly finds that the practice of respiratory care in the State of
15 North Carolina affects the public health, safety, and welfare and that the mandatory
16 licensure of persons who engage in respiratory care is necessary to ensure a minimum
17 standard of competency. It is the purpose and intent of this Article to protect the
18 public from the unqualified practice of respiratory care and from unprofessional
19 conduct by persons licensed pursuant to this Article.

20 "§ 90-648. Definitions.

21 The following definitions apply in this Article:

- 1 (1) Board. -- The North Carolina Respiratory Care Board.
- 2 (2) Diagnostic testing. -- Cardiopulmonary procedures and tests
3 performed on the written order of a physician licensed under
4 Article 1 of this Chapter that provide information to the physician
5 to formulate a diagnosis of the patient's condition. The tests and
6 procedures may include pulmonary function testing,
7 electrocardiograph testing, cardiac stress testing, and sleep related
8 testing.
- 9 (3) Direct supervision. -- The authority and responsibility to direct the
10 performance of activities as established by policies and procedures
11 for safe and appropriate completion of services.
- 12 (4) Individual. -- A human being.
- 13 (5) License. -- A certificate issued by the Board recognizing the person
14 named therein as having met the requirements to practice
15 respiratory care as defined in this Article.
- 16 (6) Licensee. -- A person who has been issued a license under this
17 Article.
- 18 (7) Medical director. -- An appointed physician who is licensed under
19 Article 1 of this Chapter and a member of the entity's medical
20 staff, and who is granted the authority and responsibility for
21 assuring and establishing policies and procedures and that the
22 provision of such is provided to the quality, safety, and
23 appropriateness standards as recognized within the defined scope
24 of practice for the entity.
- 25 (8) Person. -- An individual, corporation, partnership, association, unit
26 of government, or other legal entity.
- 27 (9) Physician. -- A doctor of medicine licensed by the State of North
28 Carolina in accordance with Article 1 of this Chapter.
- 29 (10) Practice of respiratory care. -- As defined by the written order of a
30 physician licensed under Article 1 of this Chapter, the observing
31 and monitoring of signs and symptoms, general behavior, and
32 general physical response to respiratory care treatment and
33 diagnostic testing, including the determination of whether such
34 signs, symptoms, reactions, behavior, or general response exhibit
35 abnormal characteristics, and the performance of diagnostic testing
36 and therapeutic application of:
- 37 a. Medical gases, humidity, and aerosols including the
38 maintenance of associated apparatus, except for the purpose
39 of anesthesia.
- 40 b. Pharmacologic agents related to respiratory care procedures,
41 including those agents necessary to perform hemodynamic
42 monitoring.
- 43 c. Mechanical or physiological ventilatory support.

- 1 d. Cardiopulmonary resuscitation and maintenance of natural
2 airways, the insertion and maintenance of artificial airways
3 under the direct supervision of a recognized medical
4 director in a health care environment which identifies these
5 services within the scope of practice by the facility's
6 governing board.
7 e. Hyperbaric oxygen therapy.
8 f. New and innovative respiratory care and related support
9 activities in appropriately identified environments and under
10 the training and practice guidelines established by the
11 American Association of Respiratory Care.

12 The term also means the interpretation and implementation of a
13 physician's written or verbal order pertaining to the acts described
14 in this subdivision.

15 (11) Respiratory care. -- As defined by the written order of a physician
16 licensed under Article 1 of Chapter 90, the treatment,
17 management, diagnostic testing, and care of patients with
18 deficiencies and abnormalities associated with the cardiopulmonary
19 system.

20 (12) Respiratory care practitioner. -- A person who has been licensed
21 by the Board to engage in the practice of respiratory care.

22 (13) Support activities. -- Procedures that do not require formal
23 academic training, including the delivery, setup, and maintenance
24 of apparatus. The term also includes giving instructions on the use,
25 fitting, and application of apparatus, but does not include
26 therapeutic evaluation and assessment.

27 **"§ 90-649. North Carolina Respiratory Care Board; creation.**

28 (a) The North Carolina Respiratory Care Board is created. The Board shall
29 consist of 10 members as follows:

30 (1) Two members shall be respiratory care practitioners.

31 (2) Four members shall be physicians licensed to practice in North
32 Carolina, and whose primary practice is Pulmonology,
33 Anesthesiology, Critical Care Medicine, or whose specialty is
34 Cardiothoracic Disorders.

35 (3) One member shall represent the NCHA.

36 (4) One member shall represent the North Carolina Association of
37 Medical Equipment Services.

38 (5) Two members shall represent the public at large.

39 (b) Members of the Board shall be citizens of the United States and residents of
40 this State. The respiratory care practitioner members shall have practiced
41 respiratory care for at least five years and shall be licensed under this Article. The
42 public members shall not be: (i) a respiratory care practitioner, (ii) an agent or
43 employee of a person engaged in the profession of respiratory care, (iii) a health care
44 professional licensed under this Chapter or a person enrolled in a program to become

1 a licensed health care professional, (iv) an agent or employee of a health care
2 institution, a health care insurer, or a health care professional school, (v) a member
3 of an allied health profession or a person enrolled in a program to become a member
4 of an allied health profession, or (vi) a spouse of an individual who may not serve as
5 a public member of the Board.

6 **"§ 90-650. Appointments and removal of Board members; terms and compensation.**

7 (a) The members of the Board shall be appointed as follows:

8 (1) The Governor shall appoint the public members described in G.S.
9 90-649(a)(5).

10 (2) The General Assembly, upon the recommendation of the Speaker
11 of the House of Representatives, shall appoint one of the
12 respiratory care practitioner members described in G.S. 90-
13 649(a)(1) and one of the physician members described in G.S. 90-
14 649(a)(2) in accordance with G.S. 120-121.

15 (3) The General Assembly, upon the recommendation of the President
16 Pro Tempore of the Senate, shall appoint one of the respiratory
17 care practitioner members described in G.S. 90-649(a)(1) and one
18 of the physician members described in G.S. 90-649(a)(2) in
19 accordance with G.S. 120-121.

20 (4) The North Carolina Medical Society shall appoint one of the
21 physician members described in G.S. 90-649(a)(2).

22 (5) The Old North State Medical Society shall appoint one of the
23 physician members described in G.S. 96-649(a)(2).

24 (6) The North Carolina Hospital Association shall appoint the member
25 described in G.S. 90-649(a)(3).

26 (7) The North Carolina Association of Medical Equipment Services
27 shall appoint the member described in G.S. 90-649(a)(4).

28 (b) Members of the Board shall take office on the first day of November
29 immediately following the expired term of that office and shall serve for a term of
30 three years and until their successors are appointed and qualified. No member shall
31 serve on the Board for more than two consecutive terms.

32 (c) The Governor may remove members of the Board, after notice and an
33 opportunity for hearing, for incompetence, neglect of duty, unprofessional conduct,
34 conviction of any felony, failure to meet the qualifications of this Article, or
35 committing any act prohibited by this Article.

36 (d) Any vacancy shall be filled by the authority originally filling that position,
37 except that any vacancy in appointments by the General Assembly shall be filled in
38 accordance with G.S. 120-122. Appointees to fill vacancies shall serve the remainder
39 of the unexpired term and until their successors have been duly appointed and
40 qualified.

41 (e) Members of the Board shall receive no compensation for their services but
42 shall be entitled to travel, per diem, and other expenses authorized by G.S. 93B-5.

43 (f) Individual members shall be immune from civil liability arising from activities
44 performed within the scope of their official duties.

1 **"§ 90-651. Election of officers; meetings of the Board.**

2 (a) The Board shall elect a chair and a vice-chair who shall hold office according
3 to rules adopted pursuant to this Article, except that all officers shall be elected
4 annually by the Board for one-year terms and shall serve until their successors are
5 elected and qualified.

6 (b) The Board shall hold at least two regular meetings each year as provided by
7 rules adopted pursuant to this Article. The Board may hold additional meetings
8 upon the call of the chair or any two Board members. A majority of the Board
9 membership shall constitute a quorum.

10 **"§ 90-652. Powers and duties of the Board.**

11 The Board shall have the power and duty to:

- 12 (1) Determine the qualifications and fitness of applicants for licensure,
13 renewal of licensure, and reciprocal licensure.
- 14 (2) Establish and adopt rules necessary to conduct its business, carry
15 out its duties, and administer this Article.
- 16 (3) Adopt and publish a code of ethics.
- 17 (4) Deny, issue, suspend, revoke, and renew licenses in accordance
18 with this Article.
- 19 (5) Conduct investigations, subpoena individuals and records, and do
20 all other things necessary and proper to discipline persons licensed
21 under this Article and to enforce this Article.
- 22 (6) Employ professional, clerical, investigative, or special personnel
23 necessary to carry out the provisions of this Article and purchase
24 or rent office space, equipment, and supplies.
- 25 (7) Adopt a seal by which it shall authenticate its proceedings, official
26 records, and licenses.
- 27 (8) Conduct administrative hearings in accordance with Article 3A of
28 Chapter 150B of the General Statutes.
- 29 (9) Establish certain reasonable fees as authorized by this Article for
30 applications for examination, licensure, provisional licensure,
31 renewal of licensure, and other services provided by the Board.
- 32 (10) Submit an annual report to the North Carolina Medical Board, the
33 North Carolina Hospital Association, the North Carolina Society of
34 Respiratory Care, the Governor, and the General Assembly of all
35 the Board's official actions during the preceding year, together
36 with any recommendations and findings regarding improvements of
37 the practice of respiratory care.
- 38 (11) Publish and make available upon request the licensure standards
39 prescribed under this Article and all rules adopted pursuant to this
40 Article.
- 41 (12) Request and receive the assistance of State educational institutions
42 or other State agencies.
- 43 (13) Establish and approve continuing education requirements for
44 persons seeking licensure under this Article.

1 **"§ 90-653. Licensure requirements; examination.**

2 (a) Each applicant for licensure under this Article shall meet the following
3 requirements:

4 (1) Submit a completed application as required by the Board.

5 (2) Submit any fees required by the Board.

6 (3) Submit to the Board written evidence, verified by oath, that the
7 applicant has successfully completed the minimal requirements of a
8 respiratory care education program as approved by the
9 Commission for Accreditation of Allied Health Educational
10 Programs.

11 (4) Submit to the Board written evidence, verified by oath, that the
12 applicant has successfully completed the minimal requirements for
13 Basic Cardiac Life Support as recognized by the American Heart
14 Association.

15 (5) Pass the entry-level examination given by the National Board for
16 Respiratory Care, Inc.

17 (b) At least three times each year, the Board shall cause the examination required
18 in subdivision (5) of subsection (a) of this section to be given to applicants at a time
19 and place to be announced by the Board. Any applicant who fails to pass the first
20 examination may take additional examinations in accordance with rules adopted
21 pursuant to this Article.

22 **"§ 90-654. Exemption from certain requirements.**

23 (a) The Board may issue a license to an applicant who, as of October 1, 2000, has
24 passed the entry-level examination given by the National Board for Respiratory Care,
25 Inc. An applicant applying for licensure under this subsection shall submit his or her
26 application to the Board before October 1, 2002.

27 (b) The Board may grant a temporary license to an applicant who, as of October
28 1, 2000, does not meet the qualifications of G.S. 90-653 but, through written evidence
29 verified by oath, demonstrates that he or she is performing the duties of a respiratory
30 care practitioner within the State. The temporary license is valid until October 1,
31 2002, within which time the applicant shall be required to complete the requirements
32 of G.S. 90-653(a)(5). A license granted under this subsection shall contain an
33 endorsement indicating that the license is temporary and shall state the date the
34 license was granted and the date it expires.

35 **"§ 90-655. Licensure by reciprocity.**

36 The Board may grant, upon application and the payment of proper fees, a license
37 to a person who, at the time of application holds a valid license, certificate, or
38 registration as a respiratory care practitioner issued by another state or a political
39 territory or jurisdiction acceptable to the Board if, in the Board's determination, the
40 requirements for that license, certificate, or registration are substantially the same as
41 the requirements for licensure under this Article.

42 **"§ 90-656. Provisional license.**

43 The Board may grant a provisional license for a period not exceeding 12 months to
44 any applicant who has successfully completed the education requirements under G.S.

1 90-653(a)(3) and has made application to take the examination required under G.S.
2 90-653(a)(5). A provisional license allows the individual to practice respiratory care
3 under the supervision of a respiratory care practitioner and in accordance with rules
4 adopted pursuant to this Article. A license granted under this section shall contain
5 an endorsement indicating that the license is provisional and stating the terms and
6 conditions of its use by the licensee and shall state the date the license was granted
7 and the date it expires.

8 **"§ 90-657. Notification of applicant following evaluation of application.**

9 After evaluation of the application and of any other evidence required from the
10 applicant by the Board, the Board shall notify each applicant that the application and
11 evidence submitted are satisfactory and accepted or unsatisfactory and rejected. If
12 the application and evidence is rejected, the notice shall state the reasons for the
13 rejection.

14 **"§ 90-658. License as property of the Board; display requirement; renewal; inactive**
15 **status.**

16 (a) A license issued by the Board is the property of the Board and shall be
17 surrendered by the licensee to the Board on demand.

18 (b) The licensee shall display the license in the manner prescribed by the Board.

19 (c) The licensee shall inform the Board of any change of the licensee's address.

20 (d) The license shall be renewed by the Board annually upon the payment of a
21 renewal fee if, at the time of application for renewal, the applicant is not in violation
22 of this Article and has fulfilled the current requirements regarding continuing
23 education as established by rules adopted pursuant to this Article.

24 (e) The Board shall notify a licensee at least 30 days in advance of the expiration
25 of his or her license. Each licensee is responsible for renewing his or her license
26 before the expiration date. Licenses that are not renewed automatically lapse.

27 (f) The Board may provide for the late renewal of an automatically lapsed license
28 upon the payment of a late fee. No late fee renewal may be granted more than five
29 years after a license expires.

30 (g) In accordance with rules adopted pursuant to this Article, a licensee may
31 request that his or her license be declared inactive and may thereafter apply for
32 active status.

33 **"§ 90-659. Suspension, revocation, and refusal to renew a license.**

34 (a) The Board shall take the necessary actions to deny or refuse to renew a
35 license, suspend or revoke a license, or to impose probationary conditions on a
36 licensee or applicant if the licensee or applicant:

37 (1) Has engaged in any of the following conduct:

38 a. Employed fraud, deceit, or misrepresentation in obtaining or
39 attempting to obtain a license or the renewal of a license.

40 b. Committed an act of malpractice, gross negligence, or
41 incompetence in the practice of respiratory care.

42 c. Practiced respiratory care without a license.

43 d. Engaged in health care practices that are determined to be
44 hazardous to public health, safety, or welfare.

1 (2) Was convicted of or entered a plea of guilty or nolo contendere to
2 any crime involving moral turpitude.

3 (3) Was adjudicated insane or incompetent, until proof of recovery
4 from the condition can be established.

5 (4) Engaged in any act or practice that violates any of the provisions of
6 this Article or any rule adopted pursuant to this Article, or aided,
7 abetted, or assisted any person in such a violation.

8 (b) Denial, refusal to renew, suspension, or revocation of a license, or imposition
9 of probationary conditions upon a licensee may be ordered by the Board after a
10 hearing held in accordance with Article 3A of Chapter 150B of the General Statutes
11 and rules adopted pursuant to this Article. An application may be made to the
12 Board for reinstatement of a revoked license if the revocation has been in effect for at
13 least one year.

14 **"§ 90-660. Expenses; fees.**

15 (a) All salaries, compensation, and expenses incurred or allowed for carrying out
16 the purposes of this Article shall be paid by the Board exclusively out of the fees
17 received by the Board as authorized by this Article or funds received from other
18 sources. In no case shall any salary, expense, or other obligations of the Board be
19 charged against the State.

20 (b) All monies received by the Board pursuant to this Article shall be deposited in
21 an account for the Board and shall be used for the administration and
22 implementation of this Article. The Board shall establish fees in amounts to cover
23 the cost of services rendered for the following purposes:

24 (1) For an initial application, a fee not to exceed twenty-five dollars
25 (\$25.00).

26 (2) For examination or reexamination, a fee not to exceed one
27 hundred fifty dollars (\$150.00).

28 (3) For issuance of any license, a fee not to exceed one hundred
29 dollars (\$100.00).

30 (4) For the renewal of any license, a fee not to exceed fifty dollars
31 (\$50.00).

32 (5) For the late renewal of any license, an additional late fee not to
33 exceed fifty dollars (\$50.00).

34 (6) For a license with a provisional or temporary endorsement, a fee
35 not to exceed thirty-five dollars (\$35.00).

36 (7) For copies of rules adopted pursuant to this Article and licensure
37 standards, charges not exceeding the actual cost of printing and
38 mailing.

39 **"§ 90-661. Requirement of license.**

40 After October 1, 2002, it shall be unlawful for any person who is not currently
41 licensed under this Article to:

42 (1) Engage in the practice of respiratory care.

43 (2) Use the title 'respiratory care practitioner'.

- 1 (3) Use the letters 'RCP', 'RTT', 'RT', or any facsimile or
2 combination in any words, letters, abbreviations, or insignia.
3 (4) Imply orally or in writing or indicate in any way that the person is
4 a respiratory care practitioner or is otherwise licensed under this
5 Article.
6 (5) Employ or solicit for employment unlicensed persons to practice
7 respiratory care.

8 **"§ 90-662. Violation a misdemeanor.**

9 Any person who violates any provision of this Article shall be guilty of a Class 1
10 misdemeanor.

11 **"§ 90-663. Injunctions.**

12 The Board may apply to the superior court for an order enjoining violations of this
13 Article, and upon a showing by the Board that any person has violated or is about to
14 violate this Article, the court may grant an injunction or restraining order or take
15 other appropriate action.

16 **"§ 90-664. Persons and practices not affected.**

17 The requirements of this Article shall not apply to:

- 18 (1) Any person registered, certified, credentialed, or licensed to engage
19 in another profession or occupation or any person working under
20 the supervision of a person registered, certified, credentialed, or
21 licensed to engage in another profession or occupation in this State
22 who is performing work incidental to or within the practice of that
23 profession or occupation and does not represent himself or herself
24 as a respiratory care practitioner.
25 (2) A student or trainee working under the direct supervision of a
26 respiratory care practitioner while fulfilling an experience
27 requirement or pursuing a course of study to meet requirements
28 for licensure in accordance with rules adopted pursuant to this
29 Article.
30 (3) A respiratory care practitioner serving in the armed forces or the
31 Public Health Service of the United States or employed by the
32 Veterans Administration when performing duties associated with
33 that service or employment.
34 (4) A person who performs only support activities as defined in G.S.
35 90-648(13).

36 **"§ 90-665. Third-party reimbursement.**

37 Nothing in this Article shall be construed to require direct third-party
38 reimbursements to persons licensed under this Article."

39 Section 2. G.S. 120-123 is amended by adding a new subdivision to read:

40 "(70) The North Carolina Respiratory Care Board as created by Article
41 37 of Chapter 90 of the General Statutes."

42 Section 3. The initial appointments to the North Carolina Respiratory
43 Care Board, created in G.S. 90-649, as enacted in Section 1 of this act, shall be
44 appointed no later than October 1, 2000. Notwithstanding the provisions of G.S. 90-

1 649(b), as enacted in Section 1 of this act, the initial members of the North Carolina
2 Respiratory Care Board who are appointed pursuant to G.S. 90-649(a)(1) must have
3 passed the entry-level examination administered by the National Board for
4 Respiratory Care, Inc. Notwithstanding the provisions of G.S. 90-650(b), as enacted in
5 Section 1 of this act, of the initial appointments to the North Carolina Respiratory
6 Care Board, one of the members appointed by the General Assembly, upon the
7 recommendation of the Speaker of the House of Representatives, and one of the
8 members appointed by the General Assembly, upon the recommendation of the
9 President Pro Tempore of the Senate, shall be appointed for three-year terms; one of
10 the members appointed by the General Assembly, upon the recommendation of the
11 Speaker of the House of Representatives, and one of the members appointed by the
12 General Assembly, upon the recommendation of the President Pro Tempore of the
13 Senate, shall be appointed for two-year terms; the public members appointed by the
14 Governor shall be appointed for a one-year term; the physician member appointed by
15 the North Carolina Medical Society shall be appointed for a one-year term; the
16 physician member appointed by the Old North State Medical Society shall be
17 appointed for a one-year term; and the members appointed by the North Carolina
18 Hospital Association and the North Carolina Association of Medical Equipment
19 Services shall be appointed for one-year terms.

20 Section 4.(a) Article 3 of Chapter 58 of the General Statutes is amended
21 by adding a new section to read:

22 "**§ 58-3-225. Prompt claim payments under health benefit plans.**

23 (a) As used in this section:

24 (1) 'Health benefit plan' means an accident and health insurance
25 policy or certificate; a nonprofit hospital or medical service
26 corporation contract; a health maintenance organization subscriber
27 contract; a plan provided by a multiple employer welfare
28 arrangement; or a plan provided by another benefit arrangement,
29 to the extent permitted by the Employee Retirement Income
30 Security Act of 1974, as amended, or by any waiver of or other
31 exception to that act provided under federal law or regulation.
32 'Health benefit plan' does not mean any plan implemented or
33 administered by the North Carolina or United States Department
34 of Health and Human Services, or any successor agency, or its
35 representatives. 'Health benefit plan' also does not mean any of the
36 following kinds of insurance:

- 37 a. Credit.
38 b. Disability income.
39 c. Coverage issued as a supplement to liability insurance.
40 d. Hospital income or indemnity.
41 e. Insurance under which benefits are payable with or without
42 regard to fault and that is statutorily required to be
43 contained in any liability policy or equivalent self-insurance.
44 f. Long-term or nursing home care.

- 1 g. Medical payments under motor vehicle or homeowners'
2 insurance policies.
- 3 h. Medicare supplement.
- 4 i. Short-term limited duration health insurance policies as
5 defined in Part 144 of Title 45 of the Code of Federal
6 Regulations.
- 7 j. Workers' compensation.
- 8 (2) 'Claimant' includes a health care provider or facility that is
9 responsible or permitted under contract with the insurer or by
10 valid assignment of benefits for directly making the claim with an
11 insurer.
- 12 (3) 'Health care facility' means a facility that is licensed under
13 Chapter 131E or Chapter 122C of the General Statutes or is owned
14 or operated by the State of North Carolina in which health care
15 services are provided to patients.
- 16 (4) 'Health care provider' means an individual who is licensed,
17 certified, or otherwise authorized under Chapter 90 or 90B of the
18 General Statutes to provide health care services in the ordinary
19 course of business or practice of a profession or in an approved
20 education or training program.
- 21 (5) 'Insurer' includes an insurance company subject to this Chapter, a
22 service corporation organized under Article 65 of this Chapter, a
23 health maintenance organization organized under Article 67 of this
24 Chapter, or a multiple employer welfare arrangement subject to
25 Article 49 of this Chapter, that writes a health benefit plan.
- 26 (b) An insurer shall, within 30 calendar days after receipt of a claim, send by
27 electronic or paper mail to the claimant:
- 28 (1) Payment of the claim.
- 29 (2) Notice of denial of the claim.
- 30 (3) Notice that the proof of loss is inadequate or incomplete.
- 31 (4) Notice that the claim is not submitted on the form required by the
32 health benefit plan, by the contract between the insurer and health
33 care provider or health care facility, or by applicable law.
- 34 (5) Notice that coordination of benefits information is needed in order
35 to pay the claim.
- 36 (6) Notice that the claim is pending based on nonpayment of fees or
37 premiums.
- 38 For purposes of this section, an insurer is presumed to have received a written claim
39 five business days after the claim has been placed first-class postage prepaid in the
40 United States mail addressed to the insurer or an electronic claim transmitted to the
41 insurer or a designated clearinghouse on the day the claim is electronically
42 transmitted. The presumption may be rebutted by sufficient evidence that the claim
43 was received on another day or not received at all.

1 (c) If the claim is denied, the notice shall include all of the specific good faith
2 reason or reasons for the denial, including, without limitation, coordination of
3 benefits, lack of eligibility, or lack of coverage for the services provided. If the claim
4 is contested or cannot be paid because the proof of loss is inadequate or incomplete,
5 or not paid pending receipt of requested coordination of benefits information, the
6 notice shall contain the specific good faith reason or reasons why the claim has not
7 been paid and an itemization or description of all of the information needed by the
8 insurer to complete the processing of the claim. If all or part of the claim is
9 contested or cannot be paid because of the application of a specific utilization
10 management or medical necessity standard is not satisfied, the notice shall contain the
11 specific clinical rationale for that decision or shall refer to specific provisions in
12 documents that are made readily available through the insurer which provide the
13 specific clinical rationale for that decision; however, if a notice of noncertification has
14 already been provided under G.S. 58-50-61(h), then the specific clinical rationale for
15 the decision is not required under this subsection. If the claim is contested or cannot
16 be paid because of nonpayment of premiums, the notice shall contain a statement
17 advising the claimant of the nonpayment of premiums. If a claim is not paid pending
18 receipt of requested coordination of benefits information, the notice shall so specify.
19 If a claim is denied or contested in part, the insurer shall pay the undisputed portion
20 of the claim within 30 calendar days after receipt of the claim and send the notice of
21 the denial or contested status within 30 days after receipt of the claim. If a claim is
22 contested or cannot be paid because the claim was not submitted on the required
23 form, the notice shall contain the required form, if the form is other than a UB or
24 HCFA form, and instructions to complete that form. Upon receipt of additional
25 information requested in its notice to the claimant, the insurer shall continue
26 processing the claim and pay or deny the claim within 30 days after receiving the
27 additional information.

28 (d) If an insurer requests additional information under subsection (c) of this
29 section and the insurer does not receive the additional information within 90 days
30 after the request was made, the insurer shall deny the claim and send the notice of
31 denial to the claimant in accordance with subsection (c) of this section. The insurer
32 shall include the specific reason or reasons for denial in the notice, including the fact
33 that information that was requested was not provided. The insurer shall inform the
34 claimant in the notice that the claim will be reopened if the information previously
35 requested is submitted to the insurer within one year after the date of the denial
36 notice closing the claim.

37 (e) Health benefit plan claim payments that are not made in accordance with this
38 section shall bear interest at the annual percentage rate of eighteen percent (18%)
39 beginning on the date following the day on which the claim should have been paid.
40 If additional information was requested by the insurer under subsection (b) of this
41 section, interest on health benefit claim payments shall begin to accrue on the 31st
42 day after the insurer received the additional information. A payment is considered
43 made on the date upon which a check, draft, or other valid negotiable instrument is
44 placed in the United States Postal Service in a properly addressed, postpaid envelope.

1 or, if not mailed, on the date of the electronic transfer or other delivery of the
2 payment to the claimant. This subsection does not apply to claims for benefits that
3 are not covered by the health benefit plan; nor does this subsection apply to
4 deductibles, co-payments, or other amounts for which the insurer is not liable.

5 (f) Insurers may require that claims be submitted within 180 days after the date of
6 the provision of care to the patient by the health care provider and, in the case of
7 health care provider facility claims, within 180 days after the date of the patient's
8 discharge from the facility. However, an insurer may not limit the time in which
9 claims may be submitted to fewer than 180 days. Unless otherwise agreed to by the
10 insurer and the claimant, failure to submit a claim within the time required does not
11 invalidate or reduce any claim if it was not reasonably possible for the claimant to
12 file the claim within that time, provided that the claim is submitted as soon as
13 reasonably possible and in no event, except in the absence of legal capacity of the
14 insured, later than one year from the time submittal of the claim is otherwise
15 required.

16 (g) If a claim for which the claimant is a health care provider or health care
17 facility has not been paid or denied within 60 days after receipt of the initial claim,
18 the insurer shall send a claim status report to the insured. Provided, however, that
19 the claims status report is not required during the time an insurer is awaiting
20 information requested under subsection (c) of this section. The report shall indicate
21 that the claim is under review and the insurer is communicating with the health care
22 provider or health care facility to resolve the matter. While a claim remains
23 unresolved, the insurer shall send a claim status report to the insured with a copy to
24 the provider 30 days after the previous report was sent.

25 (h) To the extent permitted by the contract between the insurer and the health
26 care provider or health care facility, the insurer may recover overpayments made to
27 the health care provider or health care facility by making demands for refunds and by
28 offsetting future payments. Any such recoveries may also include related interest
29 payments that were made under the requirements of this section. Recoveries by the
30 insurer must be accompanied by the specific reason and adequate information to
31 identify the specific claim. To the extent permitted by the contract between the
32 insurer and the health care provider or health care facility, the health care provider
33 or health care facility may recover underpayments or nonpayments by the insurer by
34 making demands for refunds. Any such recoveries by the health care provider or
35 health care facility of underpayments or nonpayment by the insurer may include
36 applicable interest under this section. The period for which such recoveries may be
37 made may be specified in the contract between the insurer and health care provider
38 or health care facility.

39 (i) Every insurer shall maintain written or electronic records of its activities under
40 this section, including records of when each claim was received, paid, denied, or
41 pending, and the insurer's review and handling of each claim under this section,
42 sufficient to demonstrate compliance with this section.

43 (j) A violation of this section by an insurer subjects the insurer to the sanctions in
44 G.S. 58-2-70. The authority of the Commissioner under this subsection does not

1 impair the right of a claimant to pursue any other action or remedy available under
2 law. With respect to a specific claim, an insurer paying statutory interest in good
3 faith under this section is not subject to sanctions for that claim under this subsection.

4 (k) An insurer is not in violation of this section nor subject to interest payments
5 under this section if its failure to comply with this section is caused in material part
6 by (i) the person submitting the claim, or (ii) by matters beyond the insurer's
7 reasonable control, including an act of God, insurrection, strike, fire, or power
8 outages. In addition, an insurer is not in violation of this section or subject to interest
9 payments to the claimant under this section if the insurer has a reasonable basis to
10 believe that the claim was submitted fraudulently and notifies the claimant of the
11 alleged fraud.

12 (l) This section does not apply to claims processed by an insurer on a claims
13 adjudication system that was implemented prior to January 1, 1982, provided that the
14 insurer:

- 15 (1) Verifies with the Commissioner that its claims adjudication system
16 qualifies under this subsection; and
17 (2) Is implementing a new claims adjudication software system and is
18 proceeding in good faith to move all claims to the new system as
19 soon as possible and in any event no later than December 31, 2002.

20 This subsection expires January 1, 2003.

21 (m) Nothing in this section limits or impairs the patient's liability under existing
22 law for payment of medical expenses."

23 Section 4.(b) G.S. 58-3-100(c) reads as rewritten:

24 "(c) The Commissioner may impose a civil penalty under G.S. 58-2-70 if an
25 HMO, service corporation, MEWA, or insurer fails to acknowledge a claim within 30
26 days after receiving written or electronic notice of the claim, but only if the notice
27 contains sufficient information for the insurer to identify the specific coverage
28 involved. Acknowledgement of the claim shall be made to the claimant or his legal
29 representative advising that the claim is being investigated; or shall be a payment of
30 the claim; or shall be a bona fide written offer of settlement; or shall be a written
31 denial of the claim. A claimant includes an insured, a health care provider, or a
32 health care facility that is responsible for directly making the claim with an insurer.
33 This subsection does not apply to insurers subject to G.S. 58-3-225."

34 Section 4.(c) G.S. 58-3-172(a) reads as rewritten:

35 "(a) For all claims denied for health care provider services under health benefit
36 plans, written notification of the denied claim shall be given to the insured and to the
37 health care provider submitting the claim if the health care provider would otherwise
38 be eligible for payment. This subsection does not apply to insurers subject to G.S. 58-
39 3-225."

40 Section 4.(d) G.S. 58-51-15(a)(7) reads as rewritten:

41 "(7) A provision in the substance of the following language:
42 PROOFS OF LOSS: Written proof of loss must be furnished to the
43 insurer at its said office in the case of a claim for loss for which
44 this policy provides any periodic payment contingent upon

1 continuing loss within ~~90~~ 180 days after the termination of the
2 period for which the insurer is liable and in case of a claim for any
3 other loss within ~~90~~ 180 days after the date of such loss. Failure to
4 furnish such proof within the time required shall not invalidate nor
5 reduce any claim if it was not reasonably possible to give proof
6 within such time, provided such proof is furnished as soon as
7 reasonably possible and in no event, except in the absence of legal
8 ~~capacity~~, capacity of the insured, later than one year from the time
9 proof is otherwise required."
10 Section 5. Section 4 of this act becomes effective July 1, 2001, and
11 applies to claims received on or after that date. The remainder of this act is effective
12 when it becomes law.

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1999

S

1

SENATE BILL 1454*

Short Title: Haywood/No Spotlighting Deer.

(Local)

Sponsors: Senator Robinson.

Referred to: State and Local Government.

May 25, 2000

1 A BILL TO BE ENTITLED
2 AN ACT TO PROHIBIT THE SHINING OF LIGHTS IN DEER AREAS IN
3 HAYWOOD COUNTY.

4 The General Assembly of North Carolina enacts:

5 Section 1. It is unlawful to shine a light intentionally upon a deer or to
6 sweep a light in search of deer between the hours of one-half hour after sunset and
7 one-half hour before sunrise in Haywood County.

8 Section 2. Section 1 of this act shall not be construed to prevent:

- 9 (1) The lawful hunting of raccoon or opossum during open season
10 with artificial lights designed or commonly used in taking raccoon
11 and opossum at night;
12 (2) The necessary shining of lights by landholders on their own lands;
13 (3) The shining of lights necessary to normal travel by motor vehicles
14 on roads or highways; or
15 (4) The use of lights by campers and others who are legitimately in
16 these areas for other reasons and who are not attempting to attract
17 or to immobilize deer by the use of lights.

18 Section 3. Violation of this act is a Class 3 misdemeanor.

19 Section 4. This act is enforceable by law enforcement officers of the
20 Wildlife Resources Commission, by sheriffs and deputy sheriffs, and by other peace
21 officers with general subject matter jurisdiction.

22 Section 5. This act applies only to Haywood County.

23 Section 6. This act becomes effective October 1, 2000.

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1999

H

2

HOUSE BILL 1508
Committee Substitute Favorable 6/26/00

Short Title: Gun Permit/Decrease Renewal Fee.

(Public)

Sponsors:

Referred to:

May 11, 2000

1 A BILL TO BE ENTITLED
2 AN ACT TO ELIMINATE THE FINGERPRINTING REQUIREMENT FOR
3 RENEWAL OF A CONCEALED HANDGUN PERMIT WHERE DOING SO
4 WOULD NOT IMPEDE CRIMINAL RECORD UPDATES; TO DECREASE
5 THE FEE FOR RENEWAL OF A CONCEALED HANDGUN PERMIT; AND
6 TO CLARIFY THAT THE RELEASE FORM SUBMITTED FOR A
7 CONCEALED HANDGUN APPLICANT'S MENTAL HEALTH RECORDS
8 MAY BE AN ORIGINAL OR PHOTOCOPIED FORM.
9 The General Assembly of North Carolina enacts:
10 Section 1. G.S. 14-415.16 reads as rewritten:
11 "**§ 14-415.16. Renewal of permit.**
12 The holder of a permit shall apply to renew the permit at least 30 days prior to its
13 expiration date by filing with the sheriff of the county in which the person resides a
14 renewal form provided by the sheriff's office, a notarized affidavit stating that the
15 permittee remains qualified under the criteria provided in this Article, a newly
16 administered full set of the permittee's fingerprints, and a renewal fee. Upon receipt
17 of the completed renewal application, including the permittee's fingerprints, and the
18 appropriate payment of fees, the sheriff shall determine if the permittee remains
19 qualified to hold a permit in accordance with the provisions of G.S. 14-415.12. The
20 permittee's criminal history shall be updated, and the sheriff may waive the
21 requirement of taking another firearms safety and training course. If the permittee
22 applies for a renewal of the permit within 30 days of its expiration date and if the
23 permittee remains qualified to have a permit under G.S. 14-415.12, the sheriff shall

1 renew the permit. No fingerprints shall be required for a renewal permit if the
2 applicant's fingerprints were submitted to the State Bureau of Investigation after June
3 30, 2001, on the Automated Fingerprint Information System (AFIS) as prescribed by
4 the State Bureau of Investigation."

5 Section 2. G.S. 14-415.19 reads as rewritten:

6 "**§ 14-415.19. Fees.**

7 (a) The permit fees assessed under this Article are payable to the sheriff. The
8 sheriff shall transmit the proceeds of these fees to the county finance officer to be
9 remitted or credited by the county finance officer in accordance with the provisions
10 of this subsection. The permit fees are as follows:

11	Application fee.....	\$80.00
12	Renewal fee.....	\$80.00 \$75.00
13	Duplicate permit fee.....	\$15.00

14 The county finance officer shall remit forty-five dollars (\$45.00) of each new
15 application fee ~~or~~ and forty dollars (\$40.00) of each renewal fee to the North
16 Carolina Department of Justice for the costs of State and federal criminal record
17 checks performed in connection with processing applications and for the
18 implementation of the provisions of this Article. The remaining thirty-five dollars
19 (\$35.00) of each application or renewal fee shall be used by the sheriff to pay the
20 costs of administering this Article and for other law enforcement purposes. The
21 county shall expend the restricted funds for these purposes only.

22 (b) An additional fee, not to exceed ten dollars (\$10.00), shall be collected by the
23 sheriff from an applicant for a permit to pay for the costs of processing the
24 applicant's ~~fingerprints.~~ fingerprints, if fingerprints were required to be taken. This
25 fee shall be retained by the sheriff."

26 Section 3. G.S. 14-415.14 is amended by adding a new subsection to
27 read:

28 "(c) Any person or entity who is presented by the applicant or by the sheriff with
29 an original or photocopied release form as described in G.S. 14-415.13(a)(5) shall
30 promptly disclose to the sheriff any records concerning the mental health or capacity
31 of the applicant who signed the form and authorized the release of the records."

32 Section 4. The Division of Mental Health, Developmental Disabilities,
33 and Substance Abuse Services of the Department of Health and Human Services
34 shall notify by United States mail, telefacsimile, or electronic mail all mental health
35 clinics, hospitals, and licensed mental health professionals in North Carolina about
36 the requirement in Section 3 of this act within 30 days after the effective date of this
37 act.

38 Section 5. This act becomes effective July 1, 2000.



CHANGES TITLE

NORTH CAROLINA GENERAL ASSEMBLY
AMENDMENT
House Bill 1508

AMENDMENT NO. 1
(to be filled in by
Principal Clerk)

H1508-ALL-002
Second Edition

Page 1 of 1

Date 6/30, 2000

Comm. Sub.
Amends Title

Senator Odom

1
2 moves to amend the bill on page 1, line 5,
3 by inserting after the semicolon the words "TO EXTEND THE CONCEALED
4 HANDGUN PERMIT PERIOD TO FIVE YEARS;"
5
6 and on page 2, lines 38,
7 by rewriting that line to read:
8
9 "Section 5. G.S. 14-415.11(b) reads as rewritten:
10 "(b) The sheriff shall issue a permit to carry a concealed
11 handgun to a person who qualifies for a permit under G.S. 14-415.12.
12 The permit shall be valid throughout the State for a period of ~~four~~
13 five years from the date of issuance."
14 Section 6. Section 5 of this act applies to permits issued
15 or renewed on or after July 1, 2000. The remainder of this act is
16 effective July 1, 2000."

SIGNED *Odom*
Amendment Sponsor

SIGNED _____
Committee Chair if Senate Committee Amendment

ADOPTED 40-2 FAILED _____ Tabled _____

6/30/00 J. Pruitt

CHANGES TITLE

**2000 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES**

The following report(s) from standing committee(s) is/are presented:

By Representative(s) Culpepper for the Committee on **Rules, Calendar and Operations of the House.**

Senate Committee Substitute #2 for

H.B. 1340 A BILL TO BE ENTITLED AN ACT TO ESTABLISH THE RESPIRATORY CARE PRACTICE ACT, TO PROVIDE FOR THE PROMPT PAYMENT OF CLAIMS UNDER HEALTH BENEFIT PLANS, AND TO MAKE CONFORMING AMENDMENTS TO RELATED CLAIM PAYMENT LAWS.

- With a favorable report.
- With a favorable report and recommendation that the bill be re-referred to the Committee on Appropriations Finance .
- With a favorable report, as amended.
- With a favorable report, as amended, and recommendation that the bill be re-referred to the Committee on Appropriations Finance .
- With a favorable report as to committee substitute bill (#), which changes the title, unfavorable as to (original bill) (Committee Substitute Bill #), (and recommendation that the committee substitute bill #) be re-referred to the Committee on .)
- With a favorable report as to House committee substitute bill (#), which changes the title, unfavorable as to Senate committee substitute bill.
- With an unfavorable report.
- With recommendation that the House concur.
- With recommendation that the House do not concur.
- With recommendation that the House do not concur; request conferees.
- With recommendation that the House concur; committee believes bill to be material.
- With an unfavorable report, with a Minority Report attached.
- Without prejudice.
- With an indefinite postponement report.
- With an indefinite postponement report, with a Minority Report attached.
- With recommendation that it be adopted. (HOUSE RESOLUTION ONLY)

5/25/00

**2000 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES**

The following report(s) from standing committee(s) is/are presented:

By Representative(s) **Culpepper** for the Committee on Rules, Calendar and Operations of the House.

Committee Substitute for
S.B. 1454 A BILL TO BE ENTITLED AN ACT TO PROHIT THE SHINING OF LIGHTS
IN DEER AREAS IN HAYWOOD COUNTY.

- With a favorable report.
- With a favorable report and recommendation that the bill be re-referred to the Committee on Appropriations Finance .
- With a favorable report, as amended.
- With a favorable report, as amended, and recommendation that the bill be re-referred to the Committee on Appropriations Finance .
- With a favorable report as to committee substitute bill (#), which changes the title, unfavorable as to (original bill) (Committee Substitute Bill #), (and recommendation that the committee substitute bill #) be re-referred to the Committee on .)
- With a favorable report as to House committee substitute bill (#), which changes the title, unfavorable as to Senate committee substitute bill.
- With an unfavorable report.
- With recommendation that the House concur.
- With recommendation that the House do not concur.
- With recommendation that the House do not concur; request conferees.
- With recommendation that the House concur; committee believes bill to be material.
- With an unfavorable report, with a Minority Report attached.
- Without prejudice.
- With an indefinite postponement report.
- With an indefinite postponement report, with a Minority Report attached.
- With recommendation that it be adopted. (HOUSE RESOLUTION ONLY)

5/25/00

**2000 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES**

The following report(s) from standing committee(s) is/are presented:

By Representative(s) **Culpepper** for the Committee on **Rules, Calendar and Operations of the House.**

Committee Substitute for

H.B. 1508 A BILL TO BE ENTITLED AN ACT TO ELIMINATE THE FINGERPRINTING REQUIREMENT FOR RENEWAL OF A CONCEALED HANDGUN PERMIT WHERE DOING SO WOULD NOT IMPEDE CRIMINAL RECORD UPDATES; TO DECREASE THE FEE FOR RENEWAL OF A CONCEALED HANDGUN PERMIT; AND TO CLARIFY THAT THE RELEASE FORM SUBMITTED FOR A CONCEALED HANDGUN APPLICANT'S MENTAL HEALTH RECORDS MAY BE AN ORIGINAL OR PHOTOCOPIED FORM.

With a favorable report.

With a favorable report and recommendation that the bill be re-referred to the Committee on Appropriations Finance .

With a favorable report, as amended.

With a favorable report, as amended, and recommendation that the bill be re-referred to the Committee on Appropriations Finance .

With a favorable report as to committee substitute bill (#), which changes the title, unfavorable as to (original bill) (Committee Substitute Bill #), (and recommendation that the committee substitute bill #) be re-referred to the Committee on .)

With a favorable report as to House committee substitute bill (#), which changes the title, unfavorable as to Senate committee substitute bill.

With an unfavorable report.

With recommendation that the House concur. *in Senate Amendment # 1. Title Change upon concurrence.*

With recommendation that the House do not concur.

With recommendation that the House do not concur; request conferees.

With recommendation that the House concur; committee believes bill to be material.

With an unfavorable report, with a Minority Report attached.

Without prejudice.

With an indefinite postponement report.

With an indefinite postponement report, with a Minority Report attached.

With recommendation that it be adopted. (HOUSE RESOLUTION ONLY)

5/25/00

VISITOR REGISTRATION SHEET

Rules

7/11/00

Name of Committee

Date

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME

FIRM OR AGENCY AND ADDRESS

Esther Davis	Electricities
Hal Miller	NEAECT
Roz Smith	WCCCA
Nat. Mnd	CEC
[Signature]	WCAWP
D. L. Johnson	DENR
Anne Davis	WCCCA

VISITOR REGISTRATION SHEET

RULES

7/11/00

Name of Committee

Date

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME

FIRM OR AGENCY AND ADDRESS

FRED TAYLOR	WRAL-TV
BILL STOBGIN	KCLH
Margaret Westbrook	KCLH
J. House	NC Electric Coops
Blum Wells	DHHS
John Bowdoin	Alley Associates
Nancy Thompson	meic
Lillian Coe	NCABC
Michelle Cook	Weyerhaeuser
V. McBride	Weyerhaeuser
ANDR Hale	DOI

MINUTES OF THE COMMITTEE ON RULES, CALENDAR AND OPERATIONS OF
THE HOUSE

July 12, 2000

The Committee on Rules, Calendar and Operations of the House met on July 12, 2000 at 11:40 a.m. in Room 421 of the Legislative Office Building. The following members were present: Representatives Culpepper, Chairman; Hackney, Vice Chairman; Alexander, Allen, Boyd-McIntyre, Crawford, Gulley, Hill, Luebke, McCombs, Nye, Tolson, Wood and Yongue.

The following bills were considered:

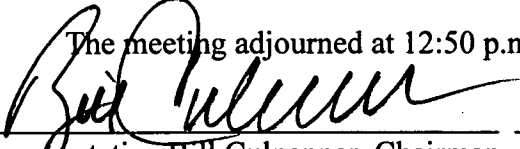
SENATE BILL 787 – AN ACT TO REQUIRE THE DEPARTMENT OF TRANSPORTATION TO STUDY THE NEED FOR RECONSTRUCTING OVERPASSES TO REDUCE OR ELIMINATE THE POSSIBILITY OF THROWING OBJECTS FROM THEM. A proposed committee substitute changing the title to AN ACT TO AUTHORIZE STUDIES BY THE LEGISLATIVE RESEARCH COMMISSION, TO CREATE VARIOUS STUDY COMMITTEES AND COMMISSIONS, AND TO DIRECT STATE AGENCIES AND LEGISLATIVE OVERSIGHT COMMITTEES AND COMMISSION TO STUDY SPECIFIED ISSUES was offered, and Representative Luebke moved for its adoption for the purpose of discussion. Without objection, it was so ordered. The chairman stated that every House and Senate bill that had requested a study was incorporated into this bill with the exception of those that were included in the budget bill. Following the chairman's explanation of the proposed committee substitute, Representative Yongue moved that the proposed committee substitute be given a favorable report, unfavorable as to the original bill. The motion carried.

COMMITTEE SUBSTITUTE FOR SENATE BILL 1385 – AN ACT TO APPOINT PERSONS TO VARIOUS PUBLIC OFFICES UPON THE RECOMMENDATION OF THE PRESIDENT PRO TEMPORE OF THE SENATE AND TO MAKE CHANGES IN THE LAW RELATING TO APPOINTMENTS TO PUBLIC OFFICE. A proposed House committee substitute changing the title to AN ACT TO APPOINT PERSONS TO VARIOUS PUBLIC OFFICES UPON THE RECOMMENDATION OF THE PRESIDENT PRO TEMPORE OF THE SENATE OR THE SPEAKER OF THE HOUSE OF REPRESENTATIVES, AND TO MAKE CHANGES IN THE LAW RELATING TO APPOINTMENTS TO PUBLIC OFFICE was offered. Representative Wood moved for adoption of the proposed House committee substitute for the purpose of discussion. Without objection, it was so ordered. The chairman explained the changes in the House proposed committee substitute. Representative Nye made a motion that the House proposed committee substitute be given a favorable report, unfavorable as to the Senate committee substitute. The motion passed.

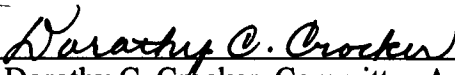
COMMITTEE SUBSTITUTE FOR SENATE BILL 1335 – AN ACT TO MAKE TECHNICAL CORRECTIONS AND CONFORMING CHANGES TO THE GENERAL STATUTES AS RECOMMENDED BY THE GENERAL STATUTES COMMISSION, TO MAKE OTHER TECHNICAL AND CONFORMING CHANGES, AND TO AMEND LAWS RELATING TO URBAN WATERFRONT DEVELOPMENT AND THE CLASSIFICATION OF GAMMA HYDROXYBUTYRIC ACID (GHB) AS A CONTROLLED SUBSTANCE. The chairman was joined by Walker Reagan, staff attorney with the Research Division in reviewing the bill, together with a bill analysis (a copy of which is enclosed herewith).

Review of the bill was not completed due to the convening of session. The chairman stated that the review would continue at recess of the session.

The meeting adjourned at 12:50 p.m.



Representative Bill Culpepper, Chairman



Dorothy C. Crocker, Committee Assistasnt

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1999

S

1

SENATE BILL 787

Short Title: DOT To Study Rocks from Overpasses.

(Public)

Sponsors: Senators Shaw of Cumberland; Allran, Foxx, Lucas, and Weinstein.

Referred to: Transportation.

April 7, 1999

1 A BILL TO BE ENTITLED
2 AN ACT TO REQUIRE THE DEPARTMENT OF TRANSPORTATION TO
3 STUDY THE NEED FOR RECONSTRUCTING OVERPASSES TO REDUCE
4 OR ELIMINATE THE POSSIBILITY OF THROWING OBJECTS FROM
5 THEM.

6 The General Assembly of North Carolina enacts:

7 Section 1. The Department of Transportation shall study the problem of
8 persons maliciously throwing rocks and other material from overpasses in an attempt
9 to damage vehicles or injure drivers and occupants of the vehicles on the highways
10 below them. The Department shall:

- 11 (1) Determine the most cost-effective method of modifying highway
12 overpasses to reduce or eliminate the possibility of persons
13 throwing objects onto the highway.
14 (2) Identify the overpasses that need to be modified because the threat
15 of malicious activity is the greatest.
16 (3) Present a multiyear program for the modification of existing
17 overpasses that are identified.
18 (4) Develop a program to take the problem into consideration in the
19 construction of all new overpasses.

20 The Department of Transportation shall report the results of this study to
21 the Joint Legislative Transportation Oversight Committee by November 1999, along
22 with any legislation necessary to implement the findings and recommendations of the
23 study.

24 Section 2. This act is effective when it becomes law.

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1999

S

D

SENATE BILL 787
Proposed Committee Substitute S787-PCS6804-RW001

Short Title: 2000 Studies Bill.

(Public)

Sponsors:

Referred to:

April 7, 1999

1 A BILL TO BE ENTITLED
2 AN ACT TO AUTHORIZE STUDIES BY THE LEGISLATIVE RESEARCH
3 COMMISSION, TO CREATE VARIOUS STUDY COMMITTEES AND
4 COMMISSIONS, AND TO DIRECT STATE AGENCIES AND LEGISLATIVE
5 OVERSIGHT COMMITTEES AND COMMISSIONS TO STUDY SPECIFIED
6 ISSUES.

7
8 The General Assembly of North Carolina enacts:

9 **PART I.-----TITLE**

10 Section 1. This act shall be known as "The Studies Act of 2000".

11

12 **PART II.-----LEGISLATIVE RESEARCH COMMISSION**

13 Section 2.1. The Legislative Research Commission may study the topics
14 listed below. When applicable, the bill or resolution that originally proposed the
15 issue or study and the name of the sponsor is listed. The following groupings are for
16 reference only:

- 17 (1) Governmental and Personnel Issues:
- 18 a. Establishment of an auxiliary police officers' pension fund
19 (H.B. 1734 - Davis).
 - 20 b. Salaries and benefits of Department of Correction
21 employees (H.B. 1782 - Gibson).
 - 22 c. State compliance with federal Civil Rights Act (S.B. 1274 -
23 Jordan).

- 1 d. Elections supervisors' salaries (H.B. 1492 - Buchanan).
2 e. Permanent part-time employees included in the Teachers'
3 and State Employees' Retirement System (H.B. 1726 -
4 Rogers).
5 (2) Insurance, Managed Care, and other Health Care Issues:
6 a. Insurance availability in beach and coastal areas (H.B. 1835
7 - Redwine).
8 b. Employer-sponsored, self-insured group health benefit plans
9 (S.B. 1429 - Dalton).
10 c. Parity in health insurance coverage for mental illness and
11 chemical dependency benefits (H.B. 1567 - Alexander; S.B.
12 1254 - Martin of Guilford).
13 d. Alternative health care providers (H.B. 1049 - Miller).
14 (3) Education Issues:
15 a. Placement of and providing a special education to children
16 in group homes (H.B. 1833 - Hurley, Morris; S.B. 1540 -
17 Rand).
18 (4) Health and Public Safety Issues:
19 a. Pregnancy and drug abuse (H.B. 1846 - Sherrill).
20 b. Health and safety hazards at the abandoned Imperial Foods
21 processing plant in Hamlet (H.B. 1818 - Goodwin).
22 c. Social Anxiety Disorder (H.B. 1652 - Edwards, Wainwright).
23 d. Community-based syringe exchange programs (H.B. 1683 -
24 Wright).
25 (5) Taxation and Economic Development Issues:
26 a. Homestead Exemption (H.B. 1700 - Warner, Hurley; S.B.
27 1484 - Hoyle).
28 b. Simplify taxes on telecommunications (S.B. 1320 - Hoyle,
29 Kerr).
30 c. State's travel and tourism industry and the economic
31 benefits of that industry (Warwick).
32 (6) Environmental/Agricultural Issues:
33 a. Wildlife Resources Commission rules concerning snakes
34 (H.B. 1841 - Allred).
35 b. Statewide public and private use of water (Warwick).
36 c. Small family farm preservation (H.B. 1623 - Mitchell; S.B.
37 1342 - Albertson).
38 d. Water capacity use area issues (Warwick).
39 (7) Transportation Issues:
40 a. Abandoned vehicles on State Roads (Mitchell).
41 (8) Criminal laws issues:
42 a. Termination of parental rights of rapists (H.B. 1678 - Ellis).
43 b. Victim's rights (H.B. 1766 - Eddins).
44 (9) Civil Law Issues:

- 1 a. Frivolous lawsuits (H.B. 1681 - Owens).
2 b. Seized property (H.B. 1750 - Buchanan).
3 (10) Court System:
4 a. Authority of Magistrates and Clerks of Court (H.B. 1224 -
5 Baddour; S.B. 1023 - Clodfelter).

6 Section 2.2. Reporting Date. -- For each of the topics the Legislative
7 Research Commission decides to study under this Part or pursuant to G.S.
8 120-30.17(1), the Commission may report its findings, together with any
9 recommended legislation, to the 2001 General Assembly.

10

11 **PART III.-----STATE GOVERNMENT GENDER EQUITY STUDY COMMISSION**

12 Section 3.1. There is created a State Government Gender Equity Study
13 Commission. The Commission shall consist of 13 members, appointed as follows:

- 14 (1) Three persons appointed by the Governor.
15 (2) Five members of the House of Representatives appointed by the
16 Speaker of the House.
17 (3) Five members of the Senate appointed by the President Pro
18 Tempore of the Senate.

19 Section 3.2. The Commission shall study gender pay equity issues in State
20 government employment. The Commission shall submit a final report of its findings
21 and recommendations to the General Assembly on or before the first day of the 2001
22 Session of the General Assembly by filing the report with the President Pro Tempore
23 of the Senate and the Speaker of the House of Representatives. Upon filing its final
24 report, the Commission shall terminate.

25 Section 3.3. When a vacancy occurs in the membership of the
26 Commission, the vacancy shall be filled by the same appointing officer who made the
27 initial appointment. The Speaker of the House of Representatives shall designate one
28 Representative as cochair and the President Pro Tempore of the Senate shall
29 designate one Senator as cochair. Members of the Commission shall receive
30 subsistence and travel expenses at the rates set forth in G.S. 120-3.1.

31 Section 3.4. The Commission, while in the discharge of official duties,
32 may:

- 33 (1) Exercise all the powers provided for under the provisions of G.S.
34 120-19 and G.S. 120-19.1 through G.S. 120-19.4.
35 (2) Meet at any time upon the joint call of the cochairs.
36 (3) Meet in the State Legislative Building or the Legislative Office
37 Building.

38 The Commission may contract for professional, clerical, or consultant
39 services as provided by G.S. 120-32.02. The Legislative Services Commission,
40 through the Legislative Services Officer, shall assign professional staff to assist in the
41 work of the Commission. The House of Representatives' and the Senate's Supervisors
42 of Clerks shall assign clerical staff to the Commission upon the direction of the
43 Legislative Services Commission. The expenses relating to clerical employees shall
44 be borne by the Commission.

1 All State departments, agencies, and institutions shall furnish the
2 Commission with any information in their possession or available to them.

3 Section 3.5. From funds appropriated to the General Assembly, the
4 Legislative Services Commission shall allocate funds for the expenses of the State
5 Government Gender Equity Study Commission.
6

7 **PART IV.-----JOINT LEGISLATIVE COMMITTEE ON THE FUTURE OF NORTH**
8 **CAROLINA RAILROADS**

9 Section 4.1. Chapter 120 of the General Statutes is amended by adding a
10 new Article to read:

11 "ARTICLE 12N.

12 "Joint Legislative Committee on the Future of North Carolina Railroads.

13 "§ 120-70.120. Creation and membership of Joint Legislative Committee on the Future
14 of North Carolina Railroads.

15 (a) The Joint Legislative Committee on the Future of North Carolina Railroads is
16 established. The Committee shall be composed of 16 members as follows:

17 (1) Eight members of the House of Representatives appointed by the
18 Speaker of the House.

19 (2) Eight members of the Senate appointed by the President Pro
20 Tempore of the Senate.

21 (b) Terms on the Committee are for two years and begin on January 15 of each
22 odd-numbered year, except the terms of the initial members, which begin on
23 appointment. Members may complete a term of service on the Committee even if
24 they do not seek reelection or are not reelected to the General Assembly, but
25 resignation or removal from service in the General Assembly constitutes resignation
26 or removal from service on the Committee.

27 (c) Any vacancy on the Committee shall be filled by the appointing authority.

28 "§ 120-70.121. Purpose and powers of Committee.

29 (a) The Committee has the following powers and duties:

30 (1) To oversee all aspects of the operation, structure, management, and
31 long-range plans of the North Carolina Railroad.

32 (2) To evaluate the importance of railroads and railroad infrastructure
33 improvements to economic development in North Carolina,
34 including improvements to short-line railroads.

35 (3) To study issues important to the future of passenger and freight rail
36 service in North Carolina.

37 (4) To study expediting the process of property dispute resolution
38 between private landowners and railroad companies.

39 (5) To make reports and recommendations, including draft legislation,
40 to the General Assembly from time to time as to any matter
41 relating to the powers and duties set out in this section.

42 (b) The Committee's study of any of the issues set out in this section is not
43 intended to, and shall not, delay the North Carolina Railroad Company's contract
44 negotiations with freight and passenger rail service operators, including a Regional

1 Public Transportation Authority created under Article 26 of Chapter 160A of the
2 General Statutes, a Regional Transportation Authority created under Article 27 of
3 Chapter 160A of the General Statutes, or the Norfolk Southern Railway Company.

4 "§ 120-70.122. Organization of Committee.

5 (a) The Speaker of the House of Representatives and the President Pro Tempore
6 of the Senate shall each designate a cochair of the Committee. The Committee shall
7 meet upon the call of the cochairs.

8 (b) A quorum of the Commission shall be nine members. No action may be taken
9 except by a majority vote at a meeting at which a quorum is present. While in the
10 discharge of its official duties, the Committee has the powers of a joint committee
11 under G.S. 120-19 and G.S. 120-19.1 through G.S. 120-19.4.

12 (c) Members of the Committee shall receive subsistence and travel expenses as
13 provided in G.S. 120-3.1 and G.S. 138-5. The Committee may contract for consultants
14 or hire employees in accordance with G.S. 120-32.02. Upon approval of the
15 Legislative Services Commission, the Legislative Services Officer shall assign
16 professional staff to assist the Committee in its work. Upon the direction of the
17 Legislative Services Commission, the Supervisors of Clerks of the Senate and of the
18 House of Representatives shall assign clerical staff to the Committee. The expenses
19 for clerical employees shall be borne by the Committee."

20 Section 4.2. Of the funds appropriated to the General Assembly, the
21 Legislative Services Commission shall allocate funds to implement the provisions of
22 this Part.

23

24 **PART V.-----ENVIRONMENTAL REVIEW COMMISSION TO REVIEW THE**
25 **REPORT AND RECOMMENDATIONS OF THE ESTUARINE SHORELINE**
26 **PROTECTION STAKEHOLDERS TEAM**

27 Section 5.1. The Environmental Review Commission shall review the
28 findings and recommendations of the August 1999 report of the Estuarine Shoreline
29 Protection Stakeholders Team of the Coastal Resources Commission. The
30 Environmental Review Commission shall determine which of the recommendations
31 of the Stakeholders Team can be implemented administratively, which
32 recommendations would require rule making by the Coastal Resources Commission
33 or other agency, and which recommendations would require legislation. The
34 Environmental Review Commission shall evaluate existing local government land-use
35 planning in the coastal and inland counties that are included in the river basins that
36 drain to coastal North Carolina. The Environmental Review Commission shall
37 specifically evaluate whether the local land-use planning process required for coastal
38 counties under the Coastal Area Management Act of 1974 should be extended to
39 include inland counties that are included in the river basins that drain to coastal
40 North Carolina. Upon request of the Environmental Review Commission, the
41 Department of Environment and Natural Resources, the Coastal Resources
42 Commission, and the Stakeholders Team shall provide assistance to the
43 Environmental Review Commission in its conduct of this study. The Environmental
44 Review Commission may refer consideration of any issue raised by this study to the

1 Commission to Address Smart Growth, Growth Management, and Development
2 Issues. The Environmental Review Commission shall report its findings and
3 recommendations, including legislative proposals, if any, to the 2001 General
4 Assembly.

5

6 **PART VI.-----JOINT LEGISLATIVE EDUCATION OVERSIGHT COMMITTEE**

7 Section 6.1. The Joint Legislative Education Oversight Committee shall
8 study the following issues:

- 9 (1) Issues related to counselors and social workers in the public
10 schools (H.B. 1826 - Insko).
11 (2) The need for instruction in foreign languages at the elementary
12 school level (H.B. 1799 - Insko).
13 (3) The feasibility of increasing the minimum number of instructional
14 days to 200, increasing the minimum number of instructional hours
15 to 1,120, and increasing the contractual period for teachers to 12
16 months. The study shall include an examination of the costs and
17 benefits of the proposed increases as well as a recommended
18 timetable for implementation (H.B. 1727 - Arnold).

19 Section 6.2. The Joint Legislative Education Oversight Committee shall
20 report its findings and recommendations of its studies under this Part to the General
21 Assembly prior to the convening of the 2001 General Assembly.

22 Section 6.3. Of the funds appropriated to the General Assembly, the
23 Legislative Services Commission shall allocate funds to implement the provisions of
24 this Part.

25

26 **PART VII.-----LEGISLATIVE ETHICS COMMITTEE (H.B. 1774 - Allen, Miller)**

27 Section 7. The Legislative Ethics Committee shall study the need for and
28 advisability of establishing conflicts of interest guidelines for public members of
29 advisory committees and commissions in the executive and legislative branches of
30 State government. The Legislative Ethics Committee may consult with the North
31 Carolina Board of Ethics in conducting this study. The Legislative Ethics Committee
32 shall report its findings and recommendations, including proposed legislation, to the
33 2001 General Assembly upon its convening. Any recommended legislation should
34 include recommended guidelines or a procedure for the establishment of conflicts of
35 interest guidelines.

36

37 **PART VIII.-----DEPARTMENT OF HEALTH AND HUMAN SERVICES AND
38 ADMINISTRATIVE OFFICE OF THE COURTS STUDY OF THE CHILD SUPPORT
39 SYSTEM (H.B. 1528 - Nye; S.B. 1277 - Martin of Guilford)**

40 Section 8.1. The Department of Health and Human Services and the
41 Administrative Office of the Courts, in conjunction with local departments of social
42 services, clerks of court, IV-D attorneys, district court judges, representatives of
43 county government, representatives of business and industry, and representatives of
44 child support clients, shall study ways to more effectively coordinate the efforts of the

1 two agencies in regard to collection and enforcement of child support. This study
2 shall include studying the feasibility of the two agencies granting each other access to
3 one another's computer systems or the feasibility of making the computer systems
4 compatible with one another. The study shall also include the development of
5 protocols to facilitate directing individuals to the proper agency for assistance or
6 information. The Department of Health and Human Services and the Administrative
7 Office of the Courts shall report to the Joint Legislative Public Assistance
8 Commission on efforts under this section by October 1, 2000.

9 Section 8.2. The Department of Health and Human Services and the
10 Administrative Office of the Courts, in conjunction with local departments of social
11 services, clerks of court, IV-D attorneys, district court judges, representatives of
12 county government, representatives of business and industry, and representatives of
13 child support clients, shall study the problems with and barriers to the establishment
14 of a unified system of child support collection and enforcement. This study shall also
15 include estimates of the costs, including any savings, associated with the establishment
16 of a unified system and any advantages or disadvantages associated with the
17 establishment of a unified system over a five-year period. The two agencies shall
18 make recommendations regarding solutions to any problems or barriers to the
19 establishment of a unified system. The Department of Health and Human Services
20 and the Administrative Office of the Courts shall make interim reports to the Joint
21 Legislative Public Assistance Commission on efforts under this section by September
22 1, 2000, and December 1, 2000, and shall make a final report to the Joint Legislative
23 Public Assistance Commission on efforts under this section by March 1, 2001.

24
25 **PART IX.-----DEPARTMENT OF HEALTH AND HUMAN SERVICES,**
26 **DEPARTMENT OF PUBLIC INSTRUCTION, AND DEPARTMENT OF**
27 **AGRICULTURE AND CONSUMER SERVICES -- HUNGER PROGRAM STUDIES**
28 **(H.B. 1526 - Nye)**

29 Section 9.1. The Department of Health and Human Services and the
30 Department of Public Instruction, in conjunction with the Department of Agriculture
31 and Consumer Services, the statewide system of food banks, the North Carolina
32 Hunger Network, the North Carolina Nutrition Network, and other State and local
33 agencies, shall study the School Lunch Program, the School Breakfast Program, and
34 the Summer Food Service Program. This study shall specifically include a study of
35 the reasons for underutilization of the programs. The Department of Public
36 Instruction and the Department of Health and Human Services shall take any actions
37 authorized under current law to increase participation in these programs before the
38 beginning of the 2000-2001 school year. The Department of Health and Human
39 Services and the Department of Public Instruction shall report on any actions taken
40 under this section and shall make any recommendations on changes to current law to
41 the Joint Legislative Public Assistance Commission by October 1, 2000.

42 Section 9.2. The Department of Health and Human Services, in
43 conjunction with the Department of Agriculture and Consumer Services, the
44 statewide system of food banks, the North Carolina Hunger Network, the North

1 Carolina Nutrition Network, and other State and local agencies, shall conduct a
2 comprehensive study of the Food Stamps Program, specifically focusing on reasons
3 for the underutilization of the program. This study shall include inquiry into the
4 following areas:

- 5 (1) The feasibility of additional outreach efforts to inform the public of
6 the requirements and availability of food stamps.
- 7 (2) The feasibility of extended business hours for local departments of
8 social services to facilitate the process of obtaining food stamps.
- 9 (3) The feasibility of ending automatic termination of food stamps
10 when the individual or family no longer receives Work First cash
11 assistance; thereby providing a transition period while the family
12 moves toward economic independence.

13 The Department shall identify any actions which may be taken under
14 current law to increase participation in the Food Stamps Program and implement
15 those actions as soon as practicable. The Department shall report on efforts under
16 this section to the Joint Legislative Public Assistance Commission by October 1, 2000.
17

18 **PART X.-----DEPARTMENT OF HEALTH AND HUMAN SERVICES STUDY**
19 **DENTAL SERVICES FOR MEDICAID RECIPIENTS (S.B. 1258 - Martin of Guilford)**

20 Section 10.1. In consultation with the State Public Health Director,
21 representatives of the School of Dentistry at the University of North Carolina at
22 Chapel Hill, the North Carolina Dental Society, the Old North State Dental Society,
23 the North Carolina Medical Society, the North Carolina Dental Hygiene Association,
24 The North Carolina Institute of Medicine, and consumer organizations, the Secretary
25 of the Department of Health and Human Services shall monitor and examine the
26 following:

- 27 (1) The extent to which the Medicaid reimbursement rate increase is
28 resulting in an increase in:
 - 29 a. The number of Medicaid-eligible children seen by dentists
30 participating as Medicaid providers;
 - 31 b. The number of dentists participating as Medicaid providers;
32 and
 - 33 c. The number of dentists practicing in underserved areas of
34 the State;
- 35 (2) Changes in the quality of dental services delivered to Medicaid
36 patients;
- 37 (3) The successful creation of a stronger coalition of oral health care
38 providers and physicians, funding agencies, and nonprofit
39 organizations focusing on the oral health care needs of children;
40 and to encourage strengthening of that coalition;
- 41 (4) The development of strategies for building upon the
42 recommendations of the North Carolina Institute of Medicine's
43 Task Force on Dental Care Access's 1999 report to the North

1 Carolina General Assembly and to the Secretary of the North
2 Carolina Department of Health and Human Services; and
3 (5) The identification of additional measures that should be
4 undertaken to improve access to and the quality of oral health care
5 for children.

6 Section 10.2. Not later than May 1, 2001, and May 1, 2002, the Secretary
7 shall report any findings and recommendations to the chairpersons of the Senate
8 Appropriations Committee on Human Resources, the House of Representatives
9 Appropriations Subcommittee on Health and Human Services, the Joint Legislative
10 Healthcare Oversight Committee, the Senate and House Health Committees, and to
11 the Fiscal Research Division of the General Assembly.

12
13 **PART XI.-----STATE BOARD OF EDUCATION STUDY SCHOOL CALENDAR (H.B.**
14 **1847 - Warner; S.B. 1513 - Lucas)**

15 Section 11. The State Board of Education shall study issues related to the
16 public school calendar. The State Board shall report the results of this study to the
17 Joint Legislative Education Oversight Committee prior to February 1, 2001.

18
19 **PART XII.-----DEPARTMENT OF HEALTH AND HUMAN SERVICES**
20 **DEVELOPMENTAL DISABILITIES STUDY**

21 Section 12.1. Section 11.23(b) of S.L. 2000-67 reads as rewritten:

22 "Section 11.23.(b) ~~The Department shall~~ Department, in consultation with the
23 Joint Legislative Oversight Committee on Mental Health, Developmental Disabilities,
24 and Substance Abuse Services, shall study whether a new division of developmental
25 disabilities should be established in the Department. Not later than January 1, 2001,
26 the Department shall report its findings and recommendations to the Joint Legislative
27 Oversight Committee on Mental Health, Developmental Disabilities, and Substance
28 Abuse Services, the House of Representatives Appropriations Subcommittee on
29 Health and Human ~~Services~~ Services, and the Senate Appropriations Committee on
30 Human Resources."

31
32 **PART XIII.-----DEPARTMENT OF HEALTH AND HUMAN SERVICES**
33 **ADOLESCENT PREGNANCY PREVENTION STUDY**

34 Section 13.(a) Section 11.40 of S.L. 2000-67 is repealed.

35 Section 13.(b) The first paragraph of subsection (v) of Section 5 of S.L.
36 2000-67 reads as rewritten:

37 "Section 5.(v) The funds appropriated to the Department of Health and Human
38 Services, Division of Public Health, in this ~~act~~ section in the TANF Block Grant for
39 the 2000-2001 fiscal year for teen pregnancy prevention shall be used in accordance
40 with the provisions of this subsection."

41 Section 13.(c) The Department of Health and Human Services, in
42 collaboration with the Adolescent Pregnancy Prevention Coalition of North Carolina,
43 local pregnancy prevention program administrators, and other organizations, shall
44 develop a comprehensive plan for consolidating adolescent pregnancy prevention

1 programs and adolescent parenting programs in a manner that facilitates all of the
2 following:

- 3 (1) Efficient operations and the elimination of duplication among
4 programs. To the extent that duplication in administration and
5 program operations is demonstrably necessary for effective
6 program operations, the Department shall indicate:
7 a. Why duplication is necessary;
8 b. Negative consequences relative to program goals as a result
9 of eliminating duplication; and
10 c. Means by which program and fiscal integrity and
11 accountability will be achieved and monitored.
- 12 (2) Consistent progress in reducing adolescent pregnancy in North
13 Carolina among demographic subgroups.
- 14 (3) Valid and reliable processes for monitoring and evaluating State
15 and local fiscal and program performance.
- 16 (4) Program organization, administration, and governance that is clear
17 and understandable.
- 18 (5) Targeting counties and municipalities with the highest adolescent
19 pregnancy rates, increasing rates of adolescent pregnancy, high
20 rates of adolescent pregnancy within demographic subgroups, or
21 with the greatest need of parenting programs.
- 22 (6) An equitable and need-based process for funding individual
23 projects and other program initiatives.
- 24 (7) Best practice models, while recognizing the desirability and utility
25 of innovative and promising projects that are not classified as best
26 practice models.

27 Not later than March 1, 2001, the Department shall report its plan for
28 consolidation, including its findings and recommendations, to the House of
29 Representatives Appropriations Subcommittee on Health and Human Services, the
30 Senate Appropriations Committee on Human Resources, and the Fiscal Research
31 Division.

32

33 **PART XIV.-----BILL AND RESOLUTION REFERENCES**

34 Section 14. Unless otherwise specified, the listed bill or resolution refers
35 to the measure introduced in the 1999 or 2000 Regular Session of the 1999 General
36 Assembly. The Commission may consider the original bill or resolution in
37 determining the nature, scope, and aspects of the study. The listing of the original
38 bill or resolution in this act is for reference purposes only and shall not be deemed to
39 incorporate by reference any of the substantive provisions contained in the original
40 bill or resolution.

41

42 **PART XV.-----EFFECTIVE DATE AND APPLICABILITY**

43 Section 15. Except as otherwise specifically provided, this act is effective
44 when it becomes law.

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1999

S

3

SENATE BILL 1385
Rules and Operations of the Senate Committee Substitute Adopted 7/6/00
Third Edition Engrossed 7/6/00

Short Title: Pro Tem Appointments.

(Public)

Sponsors:

Referred to:

May 23, 2000

1 A BILL TO BE ENTITLED
2 AN ACT TO APPOINT PERSONS TO VARIOUS PUBLIC OFFICES UPON THE
3 RECOMMENDATION OF THE PRESIDENT PRO TEMPORE OF THE
4 SENATE AND TO MAKE CHANGES IN THE LAW RELATING TO
5 APPOINTMENTS TO PUBLIC OFFICE.

6 Whereas, G.S. 120-121 authorizes the General Assembly to make certain
7 appointments to public offices upon the recommendation of the President Pro
8 Tempore of the Senate; and

9 Whereas, the President Pro Tempore of the Senate has made
10 recommendations; Now, therefore,
11 The General Assembly of North Carolina enacts:

12
13 PART I. PRESIDENT PRO TEMPORE'S RECOMMENDATIONS

14
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16 Godwin Murphy of Duplin County are appointed to the Board of Trustees of the
17 North Carolina Museum of Art for terms expiring on June 30, 2001.

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19 North Carolina Arboretum Board of Directors for a term expiring on June 30, 2004.

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43 Section 1.33. Beth Rector is appointed to the Child Care Commission for
44 a term expiring on June 30, 2002.

1
2 PART II. STATUTORY AND SESSION LAW CHANGES3
4 Section 2.1. Section 1 of S.L. 1997-40 reads as rewritten:5 "Section 1. The Study Commission on the Future of Electric Service in North
6 Carolina is created. The Commission shall consist of ~~23~~ 24 voting members as
7 follows:

- 8 (1) Six members of the Senate to be appointed by the President Pro
-
- 9 Tempore of the Senate;
-
- 10 (2) Six members of the House of Representatives to be appointed by
-
- 11 the Speaker of the House of Representatives;
-
- 12 (3) The Chief Executive Officer of the North Carolina Electric
-
- 13 Membership Corporation or the Chief Executive Officer's
-
- 14 designee;
-
- 15 (4) The Chief Executive Officer of ElectriCities of North Carolina or
-
- 16 the Chief Executive Officer's designee;
-
- 17 (5) The Chief Executive Officer of Duke Power Company or the Chief
-
- 18 Executive Officer's designee;
-
- 19 (6) The Chief Executive Officer of Carolina Power and Light
-
- 20 Company or the Chief Executive Officer's designee;
-
- 21
- (6a) The Chief Executive Officer of North Carolina Power Company or
-
- 22
- the Chief Executive Officer's designee;
-
- 23 (7) Two residential consumers of electricity, one to be appointed by
-
- 24 the President Pro Tempore of the Senate and one to be appointed
-
- 25 by the Speaker of the House of Representatives;
-
- 26 (8) One commercial consumer of electricity to be appointed by the
-
- 27 President Pro Tempore of the Senate;
-
- 28 (9) Two industrial consumers of electricity, one to be appointed by the
-
- 29 Speaker of the House of Representatives and one to be appointed
-
- 30 by the President Pro Tempore of the Senate;
-
- 31 (10) One member of the environmental community to be appointed by
-
- 32 the Governor; and
-
- 33 (11) One person representing a nationwide electric power marketer to
-
- 34 be appointed by the Speaker of the House of Representatives.

35 The President Pro Tempore of the Senate and the Speaker of the House of
36 Representatives shall each designate a cochair from the General Assembly
37 membership serving on the Commission. The Commission shall meet upon the call
38 of the cochairs. A majority of the Commission shall constitute a quorum for the
39 transaction of business."

40 Section 2.2. Section 3.2 of S.L. 1999-395 reads as rewritten:

41 "Section 3.2. Membership. -- The Commission shall consist of ~~15~~ 17 members who
42 shall represent, insofar as practicable, the diverse interests and geographic regions of
43 the State and shall include individuals with expertise in tax policy, tax administration,
44 and professional tax practice.

1 The Speaker of the House of Representatives shall appoint ~~five~~ six members, as
2 follows: ~~two~~ three members of the General Assembly, one individual nominated by
3 the North Carolina League of Municipalities, one individual who represents business
4 taxpayers, and one public member.

5 The President Pro Tempore of the Senate shall appoint ~~five~~ six members, as
6 follows: ~~two~~ three members of the General Assembly, one individual nominated by
7 the North Carolina Association of County Commissioners, one individual who
8 represents nonbusiness taxpayers, and one public member.

9 The Governor shall appoint five members, as follows: one individual who
10 represents tax practitioners, one individual who represents nonprofit, charitable
11 organizations, one individual who has demonstrated leadership and expertise in tax
12 policy, one individual who represents senior citizens and one individual who
13 represents small business taxpayers.

14 Appointments to the Commission shall be made no later than August 31, ~~1999~~
15 2000. Vacancies shall be filled by the original appointing authority."

16 Section 2.3. G.S. 74C-4(b) reads as rewritten:

17 "(b) The Board shall consist of ~~10~~ 14 members: the Attorney General or his
18 designated representative, two persons appointed by the Attorney General, one
19 person appointed by the Governor, ~~three~~ five persons appointed by the General
20 Assembly upon the recommendation of the President Pro Tempore of the Senate, and
21 ~~three~~ five persons appointed by the General Assembly upon the recommendation of
22 the Speaker of the House of Representatives. All appointments by the General
23 Assembly shall be subject to the provisions of G.S. 120-121, and vacancies in the
24 positions filled by those appointments shall be filled pursuant to G.S. 120-122. One of
25 those persons appointed by the General Assembly upon the recommendation of the
26 President Pro Tempore of the Senate and all ~~three~~ five persons appointed by the
27 General Assembly upon the recommendation of the Speaker of the House of
28 Representatives shall be licensees under this Chapter; all other appointees may not be
29 licensees of the Board nor licensed by the Board while serving as Board members.
30 All persons appointed shall serve terms of three years. With the exception of the
31 Attorney General or his designated representative, no person shall serve more than
32 eight consecutive years on the Board, including years of service prior and subsequent
33 to July 1, 1983. Board members may continue to serve until their successors have
34 been appointed."

35 Section 2.4. G.S. 143B-131.6(i) reads as rewritten:

36 "(i) The Commission shall make its recommendations by ~~September~~ March 15 of
37 each year that terms expire for appointments for terms commencing ~~November~~ July 1
38 of that year; provided the initial appointments for terms commencing October 1,
39 1994, shall be made upon recommendation of the Roanoke Island Historical
40 Association."

41 Section 2.5. G.S. 160A-480.3(b) reads as rewritten:

42 "(b) Membership. -- An authority shall have eight or ~~17~~ 19 members. Members
43 shall be chosen for terms as follows:

- 1 (1) Four shall be appointed by the General Assembly upon the
2 recommendation of the Speaker of the House of Representatives in
3 accordance with G.S. 120-121, at least one of whom shall be a
4 resident of the territorial jurisdiction of the authority, and at least
5 one other of whom shall have been recommended by the board of
6 trustees of the constituent institution of The University of North
7 Carolina whose main campus is located within the county;
- 8 (2) Four shall be appointed by the General Assembly upon the
9 recommendation of the President Pro Tempore of the Senate in
10 accordance with G.S. 120-121, at least one of whom shall be a
11 resident of the territorial jurisdiction of the authority, and at least
12 one other of whom shall have been recommended by the Board of
13 Trustees of the constituent institution of The University of North
14 Carolina whose main campus is located within the county; and
- 15 (3) If the territorial jurisdiction of the authority is a county where the
16 main campus of a constituent institution of The University of
17 North Carolina is located, then:
- 18 a. Four members shall be appointed by the board of
19 commissioners of that county, one of whom at the time of
20 appointment is a resident of the municipality with the
21 second largest population in the county, according to the
22 most recent decennial federal census;
- 23 b. Four members shall be appointed by the city council of the
24 city with the largest population in the county, according to
25 the most recent decennial federal census;
- 26 c. ~~One member~~ Two members shall be appointed jointly by
27 the mayors of all the cities in that county.
- 28 d. The Chancellor of the main campus of a constituent
29 institution of The University of North Carolina within the
30 county, or the Chancellor's designee.

31 Beginning January 1, 1999, a majority of any executive committee, or other
32 committee however termed having supervisory or management authority over the
33 facility to be constructed by the authority, shall consist of authority members
34 appointed under this subdivision.

35 Neither the board of commissioners nor the city council may appoint a member of
36 its board to serve on the authority.

37 Two of the initial appointments under subdivision (1) of this subsection, two of the
38 initial appointments under subdivision (2) of this subsection, one of the initial
39 appointments under subdivision (3)a. of this subsection, and one of the initial
40 appointments under subdivision (3)b. of this section shall be for terms expiring July 1
41 of the second year after the year in which the authority is created. The remaining
42 initial appointments shall be for terms expiring July 1 of the fourth year after the year
43 in which the authority is created. The third member appointed by the board of
44 commissioners shall serve a term beginning January 1, 1999, and expiring July 1,

1 2001, and the fourth member appointed by the board of commissioners shall serve a
2 term beginning January 1, 1999, and expiring July 1, 2003. The third member
3 appointed by the city council shall serve a term beginning January 1, 1999, and
4 expiring July 1, 2001, and the fourth member appointed by the city council shall
5 serve a term beginning January 1, 1999, and expiring July 1, 2003. Of the two
6 appointments made by the General Assembly in 1999 and quadrennially thereafter
7 upon the recommendation of the Speaker of the House of Representatives, one shall
8 be the person recommended by the board of trustees of the constituent institution of
9 The University of North Carolina whose main campus is located within the county.
10 Of the two appointments made by the General Assembly in 1999 and quadrennially
11 thereafter upon the recommendation of the President Pro Tempore of the Senate, one
12 shall be the person recommended by the board of trustees of the constituent
13 institution of The University of North Carolina whose main campus is located within
14 the county. The second member appointed under subdivision (3)c. of this section
15 shall serve an initial term expiring July 1, 2003. Successors shall be appointed in the
16 same manner for four-year terms. A member may be removed by the appointing
17 authority for cause. Vacancies occurring in the membership of the authority shall be
18 filled by the remaining members."

19

20 PART III. EFFECTIVE DATE

21

22 Section 3.1. Unless otherwise specified, all appointments made by this
23 act are for terms to begin July 1, 2000.

24

Section 3.2. This act is effective when it becomes law.

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1999

S

D

SENATE BILL 1385
Rules and Operations of the Senate Committee Substitute Adopted 7/6/00
Third Edition Engrossed 7/6/00
Proposed House Committee Substitute S1385-PCS7810-LG2

Short Title: Pro Tem & Speaker Appointments.

(Public)

Sponsors:

Referred to:

May 23, 2000

1 A BILL TO BE ENTITLED
2 AN ACT TO APPOINT PERSONS TO VARIOUS PUBLIC OFFICES UPON THE
3 RECOMMENDATION OF THE PRESIDENT PRO TEMPORE OF THE
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7 Whereas, G.S. 120-121 authorizes the General Assembly to make certain
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12 Whereas, G.S. 120-121 authorizes the General Assembly to make certain
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15 Whereas, the Speaker of the House of Representatives has made
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2 Matheson.

3 Section 1.33. Beth Rector is appointed to the Child Care Commission for
4 a term expiring on June 30, 2002.

5
6 PART IA. SPEAKER'S RECOMMENDATIONS

7
8 Section 1A.1. R. Bradley Smith, Jr. of Mecklenburg County is appointed
9 to the Alarm Systems Licensing Board for a term to expire on June 30, 2003.

10 Section 1A.2. Kaye A. Myers of Buncombe County is appointed to the
11 North Carolina Arboretum Board of Directors for a term expiring on June 30, 2004.

12 Section 1A.3. Dr. Thomas J. Newton of Sampson County is appointed to
13 the North Carolina Board of Athletic Trainer Examiners for a term expiring on June
14 30, 2002.

15 Section 1A.4. Dr. Galen Grayson of Mecklenburg County is appointed to
16 the North Carolina State Boxing Commission for a term expiring on December 31,
17 2002.

18 Section 1A.5. John Feezor of Union County is appointed to the State
19 Building Commission for a term expiring on June 30, 2003.

20 Section 1A.6. Debi Mull Harrill of Cleveland County and Laura
21 Pennington of Jackson County are appointed to the Child Care Commission for terms
22 expiring on June 30, 2002.

23 Section 1A.7. Sam Vaughan, III of Durham County is appointed to the
24 North Carolina Code Officials Qualification Board for a term expiring on June 30,
25 2004.

26 Section 1A.8. Ree Lomax of Wake County is appointed to the State
27 Board of Cosmetic Art Examiners for a term expiring on June 30, 2003.

28 Section 1A.9. Richard Davis of Forsyth County is appointed to the
29 Disciplinary Hearing Commission of the North Carolina State Bar for a term expiring
30 on June 30, 2003.

31 Section 1A.10. Lillie Brown of Guilford County, Brian Coyle of Wake
32 County, Scott Dedmond of Buncombe County, Constance Stancil of Durham County,
33 and E. G. Fowler of Watauga County are appointed to the North Carolina Housing
34 Partnership for terms expiring June 30, 2003.

35 Section 1A.11. Linda Livingston of Guilford County and Danny
36 Chandler of Wake County are appointed to the North Carolina Manufactured
37 Housing Board for terms expiring on June 30, 2003.

38 Section 1A.12. Rick Rosen of Chatham County is appointed to the North
39 Carolina Board of Massage and Bodywork Therapy for a term expiring on June 30,
40 2003.

41 Section 1A.13. Alan Briggs of Wake County is appointed to the Natural
42 Heritage Trust Fund Board of Trustees for a term expiring on December 31, 2005.

1 Section 1A.14. Sherry Thomas of Wake County is appointed to the
2 North Carolina Center for Nursing Board of Directors for a term expiring on June
3 30, 2003.

4 Section 1A.15. Roy Alexander of Mecklenburg County and Mary Rowe
5 of Wayne County are appointed to the North Carolina Parks and Recreation
6 Authority for terms expiring on June 30, 2002.

7 Section 1A.16. Calvin Wellons of Carteret County is appointed to the
8 North Carolina State Ports Authority for a term expiring on June 30, 2002.

9 Section 1A.17. Tim McIntyre of Davie County, Carlton Miles of
10 Mecklenburg County, and Grady W. Conner of Catawba County are appointed to the
11 Private Protective Services Board for terms expiring on June 30, 2003.

12 Section 1A.18. Joe Bryan of Guilford County, William Massey of
13 Mecklenburg County, and Louisa Dollard of Dare County are appointed to the
14 Roanoke Island Commission for terms expiring on June 30, 2002.

15 Section 1A.19. Paul Powell of Wake County is appointed to the Rules
16 Review Commission for a term expiring on June 30, 2002.

17 Section 1A.20. Dr. Geraldine Miller of Watauga County is appointed to
18 the North Carolina Substance Abuse Professional Certification Board for a term
19 expiring on June 30, 2003.

20 Section 1A.21. William W. Hill, Jr., of Nash County is appointed to the
21 Board of Trustees of the Teachers' and State Employees' Comprehensive Major
22 Medical Plan for a term expiring on June 30, 2002.

23 Section 1A.22. Katherine Hazelton of Guilford County is appointed to
24 the North Carolina Teaching Fellows Commission for a term expiring on June 30,
25 2004.

26 Section 1A.23. Peggy Pruett of Forsyth County is appointed to the North
27 Carolina State Board of Therapeutic Recreation Certification for a term expiring on
28 June 30, 2003.

29 Section 1A.24. Jeff Dillard of Halifax County is appointed to the Well
30 Contractors Certification Commission for a term expiring on June 30, 2003.

31
32 PART II. STATUTORY AND SESSION LAW CHANGES

33
34 --STUDY COMMISSION ON THE FUTURE OF ELECTRIC SERVICE IN
35 NORTH CAROLINA

36 Section 2.1. Section 1 of S.L. 1997-40, as amended by S.L. 1999-122,
37 reads as rewritten:

38 "Section 1. The Study Commission on the Future of Electric Service in North
39 Carolina is created. The Commission shall consist of ~~29~~ 30 voting members as
40 follows:

- 41 (1) Nine members of the Senate to be appointed by the President Pro
42 Tempore of the Senate;
- 43 (2) Nine members of the House of Representatives to be appointed by
44 the Speaker of the House of Representatives;

- 1 (3) The Chief Executive Officer of the North Carolina Electric
2 Membership Corporation or the Chief Executive Officer's
3 designee;
- 4 (4) The Chief Executive Officer of ElectriCities of North Carolina or
5 the Chief Executive Officer's designee;
- 6 (5) The Chief Executive Officer of Duke Power Company or the Chief
7 Executive Officer's designee;
- 8 (6) The Chief Executive Officer of Carolina Power and Light
9 Company or the Chief Executive Officer's designee;
- 10 (6a) The Chief Executive Officer of North Carolina Power Company or
11 the Chief Executive Officer's designee;
- 12 (7) Two residential consumers of electricity, one to be appointed by
13 the President Pro Tempore of the Senate and one to be appointed
14 by the Speaker of the House of Representatives;
- 15 (8) One commercial consumer of electricity to be appointed by the
16 President Pro Tempore of the Senate;
- 17 (9) Two industrial consumers of electricity, one to be appointed by the
18 Speaker of the House of Representatives and one to be appointed
19 by the President Pro Tempore of the Senate;
- 20 (10) One member of the environmental community to be appointed by
21 the Governor; and
- 22 (11) One person representing a nationwide electric power marketer to
23 be appointed by the Speaker of the House of Representatives.

24 The President Pro Tempore of the Senate and the Speaker of the House of
25 Representatives shall each designate a cochair from the General Assembly
26 membership serving on the Commission. The Commission shall meet upon the call
27 of the cochairs. A majority of the Commission shall constitute a quorum for the
28 transaction of business."

29

30 --NORTH CAROLINA TAX POLICY COMMISSION

31 Section 2.2. Section 3.2 of S.L. 1999-395 reads as rewritten:

32 "Section 3.2. Membership. -- The Commission shall consist of ~~15~~ 17 members who
33 shall represent, insofar as practicable, the diverse interests and geographic regions of
34 the State and shall include individuals with expertise in tax policy, tax administration,
35 and professional tax practice.

36 The Speaker of the House of Representatives shall appoint ~~five~~ six members, as
37 follows: ~~two~~ three members of the General Assembly, one individual nominated by
38 the North Carolina League of Municipalities, one individual who represents business
39 taxpayers, and one public member.

40 The President Pro Tempore of the Senate shall appoint ~~five~~ six members, as
41 follows: ~~two~~ three members of the General Assembly, one individual nominated by
42 the North Carolina Association of County Commissioners, one individual who
43 represents nonbusiness taxpayers, and one public member.

1 The Governor shall appoint five members, as follows: one individual who
2 represents tax practitioners, one individual who represents nonprofit, charitable
3 organizations, one individual who has demonstrated leadership and expertise in tax
4 policy, one individual who represents senior citizens and one individual who
5 represents small business taxpayers.

6 Appointments to the Commission shall be made no later than August 31, ~~1999~~
7 2000. Vacancies shall be filled by the original appointing authority."

8

9 --PRIVATE PROTECTIVE SERVICES BOARD

10 Section 2.3. G.S. 74C-4(b) reads as rewritten:

11 "(b) The Board shall consist of ~~10~~ 14 members: the Attorney General or his
12 designated representative, two persons appointed by the Attorney General, one
13 person appointed by the Governor, ~~three~~ five persons appointed by the General
14 Assembly upon the recommendation of the President Pro Tempore of the Senate, and
15 ~~three~~ five persons appointed by the General Assembly upon the recommendation of
16 the Speaker of the House of Representatives. All appointments by the General
17 Assembly shall be subject to the provisions of G.S. 120-121, and vacancies in the
18 positions filled by those appointments shall be filled pursuant to G.S. 120-122. One of
19 those persons appointed by the General Assembly upon the recommendation of the
20 President Pro Tempore of the Senate and all ~~three~~ five persons appointed by the
21 General Assembly upon the recommendation of the Speaker of the House of
22 Representatives shall be licensees under this Chapter; all other appointees may not be
23 licensees of the Board nor licensed by the Board while serving as Board members.
24 All persons appointed shall serve terms of three years. With the exception of the
25 Attorney General or his designated representative, no person shall serve more than
26 eight consecutive years on the Board, including years of service prior and subsequent
27 to July 1, 1983. Board members may continue to serve until their successors have
28 been appointed."

29

30 --ROANOKE ISLAND COMMISSION

31 Section 2.4. G.S. 143B-131.6(i) reads as rewritten:

32 "(i) The Commission shall make its recommendations by ~~September~~ March 15 of
33 each year that terms expire for appointments for terms commencing ~~November~~ July 1
34 of that year; provided the initial appointments for terms commencing October 1,
35 1994, shall be made upon recommendation of the Roanoke Island Historical
36 Association."

37

38 --CENTENNIAL AUTHORITY

39 Section 2.5. G.S. 160A-480.3(b) reads as rewritten:

40 "(b) Membership. -- An authority shall have eight or ~~17~~ 19 members. Members
41 shall be chosen for terms as follows:

42 (1) Four shall be appointed by the General Assembly upon the
43 recommendation of the Speaker of the House of Representatives in
44 accordance with G.S. 120-121, at least one of whom shall be a

1 resident of the territorial jurisdiction of the authority, and at least
2 one other of whom shall have been recommended by the board of
3 trustees of the constituent institution of The University of North
4 Carolina whose main campus is located within the county;

5 (2) Four shall be appointed by the General Assembly upon the
6 recommendation of the President Pro Tempore of the Senate in
7 accordance with G.S. 120-121, at least one of whom shall be a
8 resident of the territorial jurisdiction of the authority, and at least
9 one other of whom shall have been recommended by the Board of
10 Trustees of the constituent institution of The University of North
11 Carolina whose main campus is located within the county; and

12 (3) If the territorial jurisdiction of the authority is a county where the
13 main campus of a constituent institution of The University of
14 North Carolina is located, then:

15 a. Four members shall be appointed by the board of
16 commissioners of that county, one of whom at the time of
17 appointment is a resident of the municipality with the
18 second largest population in the county, according to the
19 most recent decennial federal census;

20 b. Four members shall be appointed by the city council of the
21 city with the largest population in the county, according to
22 the most recent decennial federal census;

23 c. ~~One member~~ Two members shall be appointed jointly by
24 the mayors of all the cities in that county.

25 d. The Chancellor of the main campus of a constituent
26 institution of The University of North Carolina within the
27 county, or the Chancellor's designee.

28 Beginning January 1, 1999, a majority of any executive committee, or other
29 committee however termed having supervisory or management authority over the
30 facility to be constructed by the authority, shall consist of authority members
31 appointed under this ~~subdivision~~ subsection.

32 Neither the board of commissioners nor the city council may appoint a member of
33 its board to serve on the authority.

34 Two of the initial appointments under subdivision (1) of this subsection, two of the
35 initial appointments under subdivision (2) of this subsection, one of the initial
36 appointments under subdivision (3)a. of this subsection, and one of the initial
37 appointments under subdivision (3)b. of this section shall be for terms expiring July 1
38 of the second year after the year in which the authority is created. The remaining
39 initial appointments shall be for terms expiring July 1 of the fourth year after the year
40 in which the authority is created. The third member appointed by the board of
41 commissioners shall serve a term beginning January 1, 1999, and expiring July 1,
42 2001, and the fourth member appointed by the board of commissioners shall serve a
43 term beginning January 1, 1999, and expiring July 1, 2003. The third member
44 appointed by the city council shall serve a term beginning January 1, 1999, and

1 expiring July 1, 2001, and the fourth member appointed by the city council shall
2 serve a term beginning January 1, 1999, and expiring July 1, 2003. Of the two
3 appointments made by the General Assembly in 1999 and quadrennially thereafter
4 upon the recommendation of the Speaker of the House of Representatives, one shall
5 be the person recommended by the board of trustees of the constituent institution of
6 The University of North Carolina whose main campus is located within the county.
7 Of the two appointments made by the General Assembly in 1999 and quadrennially
8 thereafter upon the recommendation of the President Pro Tempore of the Senate, one
9 shall be the person recommended by the board of trustees of the constituent
10 institution of The University of North Carolina whose main campus is located within
11 the county. The second member appointed under sub-subdivision (3)c. of this section
12 shall serve an initial term expiring July 1, 2003. Successors shall be appointed in the
13 same manner for four-year terms. A member may be removed by the appointing
14 authority for cause. Vacancies occurring in the membership of the authority shall be
15 filled by the remaining members."

16

17 --NORTH CAROLINA REAL ESTATE COMMISSION

18 Section 2.6.(a) Section 6 of S.L. 1999-405 reads as rewritten:

19 "Section 6. Upon the recommendation of the Speaker of the House of
20 Representatives, William Lackey of Mecklenburg County is appointed to the North
21 Carolina Real Estate Commission for a term expiring ~~June 30, 2002.~~ July 31, 2002."

22 Section 2.6.(b) Subsection 3.4(b) of S.L. 1999-431 reads as rewritten:

23 "Section 3.4.(b) Appointments of the initial members authorized by this section are
24 for terms expiring ~~June 30, 2002.~~ July 31, 2002."25 Section 2.6.(c) The term of Raymond A. Bass, Jr. to the North Carolina
26 Real Estate Commission is hereby extended to July 31, 2004.

27

28 --STATE BOARD OF CHIROPRACTIC EXAMINERS

29 Section 2.7.(a). G.S. 90-139 reads as rewritten:

30 "**§ 90-139. Creation and membership of Board of Examiners.**31 (a) The State Board of Chiropractic Examiners is created to consist of eight
32 members appointed by the ~~Governor,~~ Governor and General Assembly. ~~Seven~~ Six of
33 the members shall be practicing doctors of chiropractic, who are residents of this
34 State and who have actively practiced chiropractic in the State for at least eight
35 consecutive years immediately preceding their appointments; ~~five~~ four of these ~~seven~~
36 six members shall be appointed by the Governor, and two by the General Assembly
37 in accordance with G.S. 120-121, one each upon the recommendation of the
38 President Pro Tempore of the Senate and the Speaker of the House of
39 Representatives. No more than three members of the Board may be graduates of the
40 same college or school of chiropractic. The other ~~member~~ two members shall be a
41 ~~person~~ persons chosen by the Governor to represent the public at large. The public
42 ~~member~~ members shall not be a health care ~~provider~~ providers nor the ~~spouse~~
43 spouses of a health care ~~provider.~~ providers. For purposes of Board membership,
44 "health care provider" means any licensed health care professional and any agent or

1 employee of any health care institution, health care insurer, health care professional
2 school, or a member of any allied health profession. For purposes of this section, a
3 person enrolled in a program to prepare him to be a licensed health care professional
4 or an allied health professional shall be deemed a health care provider. For purposes
5 of this section, any person with significant financial interest in a health service or
6 profession is not a public member."

7 Section 2.7.(b). This section is effective when it becomes law and shall
8 apply to the next appointment by the Governor to replace a member who is a
9 practicing doctor of chiropractic.

10

11 PART III. EFFECTIVE DATE

12

13 Section 3.1. Unless otherwise specified, all appointments made by this
14 act are for terms to begin July 1, 2000.

15

 Section 3.2. This act is effective when it becomes law.

1 138.2, driving while less than 21 years old after consuming alcohol
2 or drugs, G.S. 20-138.3, felony death by vehicle, G.S. 20-141.4(a1),
3 manslaughter or negligent homicide resulting from the operation of
4 a motor vehicle when the offense involved impaired driving, or a
5 revocation under this subsection, that the person not operate a
6 vehicle with an alcohol concentration of greater than 0.00 ~~or more~~
7 at any relevant time after the driving;"

8 Section 4. G.S. 20-19(c3)(4) reads as rewritten:

9 "(4) For any restoration of a drivers license revoked pursuant to G.S.
10 20-23 or G.S. 20-23.2 when the offense for which the person's
11 license was revoked prohibits substantially similar conduct which if
12 committed in this State would result in a conviction of driving
13 while impaired in a commercial motor vehicle, G.S. 20-138.2,
14 driving while less than 21 years old after consuming alcohol or
15 drugs, G.S. 20-138.3, felony death by vehicle, G.S. 20-141.4(a1), or
16 manslaughter or negligent homicide resulting from the operation of
17 a motor vehicle when the offense involved impaired driving, that
18 the person not operate a vehicle with an alcohol concentration of
19 greater than 0.00 ~~or more~~ at any relevant time after the driving."

20 Section 5. G.S. 20-138.2A(b2) reads as rewritten:

21 "(b2) Alcohol Screening Test. -- Notwithstanding any other provision of law, an
22 alcohol screening test may be administered to a driver suspected of violation of
23 subsection (a) of this section, and the results of an alcohol screening test or the
24 driver's refusal to submit may be used by a law enforcement officer, a court, or an
25 administrative agency in determining if alcohol was present in the driver's body. No
26 alcohol screening tests are valid under this section unless the device used is one
27 approved by the Commission ~~on~~ for Health Services, and the screening test is
28 conducted in accordance with the applicable regulations of the Commission as to its
29 manner and use."

30 Section 6. G.S. 20-138.2B(b2) reads as rewritten:

31 "(b2) Alcohol Screening Test. -- Notwithstanding any other provision of law, an
32 alcohol screening test may be administered to a driver suspected of violation of
33 subsection (a) of this section, and the results of an alcohol screening test or the
34 driver's refusal to submit may be used by a law enforcement officer, a court, or an
35 administrative agency in determining if alcohol was present in the driver's body. No
36 alcohol screening tests are valid under this section unless the device used is one
37 approved by the Commission ~~on~~ for Health Services, and the screening test is
38 conducted in accordance with the applicable regulations of the Commission as to its
39 manner and use."

40 Section 7. G.S. 20-138.3(b2) reads as rewritten:

41 "(b2) Alcohol Screening Test. -- Notwithstanding any other provision of law, an
42 alcohol screening test may be administered to a driver suspected of violation of
43 subsection (a) of this section, and the results of an alcohol screening test or the
44 driver's refusal to submit may be used by a law enforcement officer, a court, or an

1 administrative agency in determining if alcohol was present in the driver's body. No
2 alcohol screening tests are valid under this section unless the device used is one
3 approved by the Commission ~~on~~ for Health Services, and the screening test is
4 conducted in accordance with the applicable regulations of the Commission as to its
5 manner and use."

6 Section 8. G.S. 31B-4(a) reads as rewritten:

7 "(a) The right to renounce property or an interest therein is barred by:

- 8 (1) An assignment, conveyance, encumbrance, pledge, or transfer of
9 the property or interest, or a contract therefor by the person
10 authorized to renounce,
11 (2) A written waiver of the right to renounce, or
12 (3) Repealed by Session Laws 1998-148, s. 4.
13 (4) A sale of the property or interest under judicial sale made before
14 the renunciation is effected."

15 Section 9. G.S. 43-46 reads as rewritten:

16 "**§ 43-46. Notice of delinquent taxes filed.**

17 It shall be the duty of the tax collector of each taxing unit, not later than June 30
18 following the date the taxes became delinquent, to file an exact memorandum of the
19 delinquency, if any, of any registered land for the nonpayment of the taxes or
20 assessments thereon, including ~~the~~ interest, in the office of the register of deeds for
21 registration; and if such officer fails to perform such duty, and there shall be
22 subsequent to such day a transfer of the land as hereinbefore provided, the grantee
23 shall acquire a good title free from any lien for such taxes and assessments, and the
24 collector and his sureties shall be liable for the payment of the taxes and assessments
25 with the interest thereon. The register of deeds shall enter the notice of delinquency
26 on the record copy of the certificate of title, and the tax lien shall be valid against the
27 registered estate from the time it is noted on the record copy. The register of deeds
28 shall enter the notice of cancellation of the tax lien on the record copy of the
29 certificate of title upon presentation of satisfactory evidence of payment."

30 Section 10.(a) Section 2.2 of S.L. 1999-189 and Section 50 of S.L. 1999-
31 456 are repealed.

32 Section 10.(b) G.S. 57C-2-20 reads as rewritten:

33 "**§ 57C-2-20. Formation.**

34 (a) One or more persons may ~~organize~~ form a limited liability company by
35 delivering executed articles of organization to the Secretary of State for filing. A
36 limited liability company may also be formed through the conversion of another
37 business entity pursuant to Part 1 of Article 9A of this Chapter.

38 (b) (1) When the filing by the Secretary of State files of the articles of
39 organization; organization becomes effective, the proposed
40 organization becomes a limited liability company subject to this
41 Chapter and to the purposes, conditions, and provisions stated in
42 the ~~articles, and the person executing the articles of organization~~
43 ~~become members of the limited liability company.~~ articles of
44 organization.

1 (2) Filing of the articles of organization by the Secretary of State is
2 conclusive evidence of the ~~organization~~ formation of the limited
3 liability company, except in a proceeding by the State to cancel or
4 revoke the articles of organization or involuntarily dissolve the
5 limited liability company.

6 (c) If initial members are not identified in the articles of organization of a limited
7 liability company in the manner provided in G.S. 57C-3-01(a), the organizers shall
8 hold one or more meetings at the call of a majority of the organizers to identify the
9 initial members of the limited liability company. Unless otherwise provided in this
10 Chapter or in the articles of organization of the limited liability company, all
11 decisions to be made by the organizers at such meetings shall require the approval,
12 consent, agreement, or ratification of a majority of the organizers. Unless otherwise
13 provided in the articles of organization, the organizers may, in lieu of a meeting, take
14 action as described in this subsection by written consent signed by all of the
15 organizers. The written consent may be incorporated in, or otherwise made part of,
16 the initial written operating agreement of the limited liability company."

17 Section 11. G.S. 58-7-70 reads as rewritten:

18 "**§ 58-7-70. Effects of redomestication.**

19 The ~~license~~, agent appointments and licenses, rates, and other items that the
20 Commissioner authorizes or grants, in his discretion, that are in existence at the time
21 any insurer licensed to transact the business of insurance in this State transfers its
22 corporate domicile to this or any other state by merger, consolidation, or any other
23 lawful method, shall continue in full force and effect upon such transfer if such
24 insurer remains duly licensed to transact the business of insurance in this State. All
25 outstanding policies of any transferring insurer shall remain in full force and effect
26 and need not be endorsed as to any new name of the insurer or its new location
27 unless so ordered by the Commissioner. Every transferring insurer shall file new
28 policy forms with the Commissioner on or before the effective date of the transfer,
29 but may use existing policy forms with appropriate endorsements if allowed by, and
30 under such conditions as approved by, the Commissioner: Provided, however, every
31 such transferring insurer shall (i) notify the Commissioner of the details of the
32 proposed transfer and (ii) promptly file any resulting amendments to corporate
33 documents filed or required to be filed with the Commissioner."

34 Section 12. G.S. 58-28-15 reads as rewritten:

35 "**§ 58-28-15. Validity of acts or contracts of unauthorized company shall not impair**
36 **obligation of contract as to the company; maintenance of suits; right to defend.**

37 The failure of a company to obtain a license shall not impair the validity of any
38 acts or contracts of the company. Any person or insured holding contracts of
39 insurance of an unauthorized insurer may bring an action in the courts of this State
40 under the provisions of G.S. 58-16-35 for the enforcement of any rights pursuant to
41 the contract of insurance. The failure of the insurance company to obtain a license
42 shall not prevent such company from defending any action at law or suit in equity in
43 any court of this State so long as the said company fully complies with the provisions
44 of G.S. 58-16-35(c), but no company transacting insurance business in this State

1 without a license shall be permitted to maintain an action at law or in equity in any
2 court of this State to enforce any right, claim or demand arising out of the transaction
3 of such business until such company shall have obtained a license. Nor shall an action
4 at law or in equity be maintained in any court of this State by any successor or
5 assignee of such company on any such right, claim or demand originally held by such
6 company until a license shall have been obtained by the company or by a company
7 which has acquired all or substantially all of its assets. Nothing in this section shall be
8 construed to abrogate the conditions of admission into this State nor to impair the
9 authority of the Commissioner with respect to the issuance of ~~certificates of authority~~
10 ~~[licenses]~~ licenses. The Commissioner in considering the issuance of a license shall
11 take into consideration the acts or transactions which an unauthorized company has
12 engaged in in this State prior to its application for a license."

13 Section 13. G.S. 58-30-10(6) reads as rewritten:

14 "(6) 'Doing business' includes any of the following acts by insurers,
15 whether effected by mail or otherwise:

- 16 a. The issuance or delivery of contracts of insurance to persons
17 resident in this State;
- 18 b. The solicitation of applications for such contracts, or other
19 negotiations preliminary to the execution of such contracts;
- 20 c. The collection of premiums, membership fees, assessments,
21 or other consideration for such contracts;
- 22 d. The transaction of matters subsequent to execution of such
23 contracts and arising out of them;
- 24 e. Operating as an insurer under a license ~~or license~~ issued by
25 the Department; or
- 26 f. The purchase of contracts of insurance issued to persons in
27 this State by an assumption agreement."

28 Section 14. G.S. 58-30-55(2) reads as rewritten:

29 "§ 58-30-55. Condition on release from delinquency proceedings.

30 No insurer that is subject to any delinquency proceedings, whether formal or
31 informal, administrative or judicial, shall:

- 32 (1) Be released from such proceeding, unless such proceeding is
33 converted into a judicial rehabilitation or liquidation proceeding;
- 34 (2) Be permitted to solicit or accept new business or request or accept
35 the restoration of any suspended or revoked ~~license or~~ license;
- 36 (3) Be returned to the control of its shareholders or private
37 management; or
- 38 (4) Have any of its assets returned to the control of its shareholders or
39 private management;

40 until all payments of or on account of the insurer's contractual obligations by all
41 guaranty associations, along with all expenses thereof and interest on all such
42 payments and expenses, have been repaid to the guaranty associations or a plan of
43 repayment by the insurer shall have been approved by the guaranty associations."

44 Section 15. G.S. 58-42-45(a) reads as rewritten:

1 "(a) The provisions of Chapter 150B of the General Statutes shall apply to this
2 Article.

3 ~~shall pursuant to~~".

4 Section 16. G.S. 58-50-1 reads as rewritten:

5 "**§ 58-50-1. Waiver by insurer.**

6 The acknowledgment by any insurer of the receipt of notice given under any
7 policy covered by Articles 49, 50 through 55, 65, or 67 of this Chapter, or the
8 furnishing of forms for filing proofs of loss, or the acceptance of such proofs, or the
9 investigation of any claim ~~[under]~~ under the policy, shall not operate as a waiver of
10 any of the rights of the insurer in defense of any claim arising under the policy."

11 Section 17. G.S. 59-201(a) reads as rewritten:

12 "(a) In order to form a limited partnership, a certificate of limited partnership
13 must be executed and filed in the office of the Secretary of State and set forth:

- 14 (1) The name of the limited ~~partnership;~~ partnership.
- 15 (2) The address, including county and city or town, and street and
16 number, if any, of the registered office and the name of the
17 registered agent at such address for service of process required to
18 be maintained by ~~G.S. 59-105;~~ G.S. 59-105.
- 19 (3) The latest date upon which the limited partnership is to ~~dissolve;~~
20 and dissolve.
- 21 (4) The name and the address, including county and city or town, and
22 street and number, if any, of each general partner.
- 23 (5) The address, including county and city or town, and street and
24 number, if any, of the office at which the records referred to in
25 G.S. 59-106 are kept, if such records are not kept at the registered
26 office."

27 Section 18. G.S. 89C-12 reads as rewritten:

28 "**§ 89C-12. Records and reports of Board; evidence.**

29 The Board shall keep a record of its proceedings and a register of all applicants for
30 licensure, showing for each the date of application, name, age, education, and other
31 qualifications, place of business and place of residence, whether the applicant was
32 rejected or a certificate of licensure granted, and the date licensure was rejected or
33 granted. The books and register of the Board shall be prima facie evidence of all
34 matters recorded by the Board, and a copy duly certified by the secretary of the
35 Board under seal shall be admissible in evidence as if the original were produced. A
36 roster showing the names and places of business and of residence of all licensed
37 professional engineers and all licensed professional land surveyors shall be prepared
38 by the secretary of the Board current to the month of January of each year. The
39 roster shall be printed by the Board out of the Board's fund and distributed as
40 described in the Board's rules. On or before the first day of May of each year, the
41 Board shall submit to the Governor a report on its transactions for the preceding
42 year, and shall file with the Secretary of State a copy of the report, together with a
43 complete statement of the receipts and expenditures of the Board attested by the

1 chair and the secretary and a copy of the ~~the~~ roster of licensed professional engineers
2 and professional land surveyors."

3 Section 19.(a) G.S. 93A-3(a) reads as rewritten:

4 "(a) There is hereby created the North Carolina Real Estate Commission,
5 hereinafter called the Commission. The Commission shall consist of nine members,
6 seven members to be appointed by the Governor, one member to be appointed by
7 the General Assembly upon the recommendation of the President Pro Tempore of
8 the Senate in accordance with G.S. 120-121, and one member to be appointed by the
9 General Assembly upon the recommendation of the Speaker of the House of
10 Representatives in accordance with G.S. 120-121. At least three members of the
11 Commission shall be licensed real estate brokers or real estate ~~salesmen~~ salespersons.
12 At least two members of the Commission shall be persons who are not involved
13 directly or indirectly in the real estate or real estate appraisal business. Members of
14 the Commission shall serve three-year terms, so staggered that the terms of ~~two~~ three
15 members expire in one year, the terms of ~~two~~ three members expire in the next year,
16 and the terms of three members expire in the third year of each three-year period.
17 The members of the Commission shall elect one of their members to serve as
18 chairman of the Commission for a term of one year. The Governor may remove any
19 member of the Commission for misconduct, incompetency, or willful neglect of duty.
20 The Governor shall have the power to fill all vacancies occurring on the Commission,
21 except vacancies in legislative appointments shall be filled under G.S. 120-122."

22 Section 19.(b) The Revisor of Statutes is authorized to delete any
23 reference to the words "salesman", "salesman's", "salesmen", and "salesmen's"
24 wherever they appear in Chapter 93A of the General Statutes and to substitute, as
25 appropriate, the words "salesperson", "salesperson's", "salespersons", and
26 "~~salesperson's~~". "salespersons".

27 Section 20.(a) Section 16 of S.L. 1999-293 is repealed.

28 Section 20.(b) G.S. 110-136.3 is amended by adding a new subsection to
29 read:

30 "(d1) Employment verifications. -- For the purpose of establishing or modifying a
31 child support order, the amount of the obligor's gross income may be established by a
32 written statement signed by the obligor's employer or the employer's designee or an
33 Employee Verification form produced by the Automated Collections Tracking System
34 that has been completed and signed by the obligor's employer or the employer's
35 designee. A written statement signed by the employer of the obligor or the
36 employer's designee that sets forth an obligor's gross income, as well as an Employee
37 Verification form signed by the obligor's employer or the employer's designee, shall
38 be admissible evidence in any action establishing or modifying a child support order."

39 Section 21.(a) The introductory language of Section 6 of S.L. 1998-220
40 reads as rewritten:

41 "Section 6. ~~G.S. 115C-174.21(b)~~ G.S. 115C-174.11(b) reads as rewritten:"

42 Section 21.(b) The introductory language of Section 11 of S.L. 1998-220
43 reads as rewritten:

44 "Section 11. ~~G.S. 115C-174.21(e)~~ G.S. 115C-174.11(c) reads as rewritten:"

1 Section 22. G.S. 115C-105.46(2) reads as rewritten:

2 "(2) Shall provide, in cooperation with the Board of Governors of The
3 University of North Carolina, ongoing technical assistance to the
4 local school administrative units in the development,
5 implementation, and evaluation of their local plans under ~~G.S.
6 115C-105.57.~~ G.S. 115C-105.47."

7 Section 23. G.S. 115C-325(n) reads as rewritten:

8 "(n) Appeal. -- Any career employee who has been dismissed or demoted under
9 G.S. 115C-325(e)(2), or under G.S. 115C-325(j2), or who has been suspended without
10 pay under G.S. 115C-325(a)(4a), or any school administrator whose contract is not
11 renewed in accordance with G.S. 115C-287.1, ~~or any school administrator whose
12 contract is not renewed in accordance with G.S. 115C-287.1,~~ or any probationary
13 teacher whose contract is not renewed under G.S. 115C-325(m)(2) shall have the
14 right to appeal from the decision of the board to the superior court for the superior
15 court district or set of districts as defined in G.S. 7A-41.1 in which the career
16 employee is employed. This appeal shall be filed within a period of 30 days after
17 notification of the decision of the board. The cost of preparing the transcript shall be
18 determined under G.S. 115C-325(j2)(8) or G.S. 115C-325(j3)(10). A career employee
19 who has been demoted or dismissed, or a school administrator whose contract is not
20 renewed, who has not requested a hearing before the board of education pursuant to
21 this section shall not be entitled to judicial review of the board's action."

22 Section 24. G.S. 115C-325(q)(1)b. reads as rewritten:

23 "b. If the State Board through its designee recommends the
24 dismissal of a principal under this subdivision, the principal
25 shall be suspended with pay pending a hearing before a
26 panel of three members of the State Board. The purpose of
27 this hearing, which shall be held within 60 days after the
28 principal is suspended, is to determine whether the principal
29 shall be dismissed.

30 ~~These principals shall be suspended with pay pending a
31 hearing before a panel of three members of the State Board.
32 The purpose of this hearing, which shall be held within 60
33 days after the principal is suspended, is to determine
34 whether the principal shall be dismissed."~~

35 Section 25. G.S. 115C-404(a) reads as rewritten:

36 "**§ 115C-404. Use of juvenile court information.**

37 (a) Written notifications received in accordance with G.S. 7B-3101 and
38 information gained from examination of juvenile records in accordance with G.S. 7B-
39 3100 are confidential records, are not public records as defined under G.S. 132-1, and
40 shall not be made part of the student's official record under G.S. 115C-402.
41 Immediately upon receipt, the principal shall maintain these documents in a safe,
42 locked record storage that is separate from the student's other school records. The
43 principal shall shred, burn, or otherwise destroy documents received in accordance
44 with G.S. 7B-3100 to protect the confidentiality of the information when the principal

1 receives notification that the court dismissed the petition under G.S. 7B-2411, the
2 court transferred jurisdiction over the student to superior court under G.S. 7B-2200,
3 or the court granted the student's petition for expunction of the records. The
4 principal shall shred, burn, or otherwise destroy all information gained from
5 examination of juvenile records in accordance with G.S. 7B-3100 when the principal
6 finds that the school no longer needs the information to protect the safety of or to
7 improve the educational opportunities for the student or others. In no case shall the
8 principal make a copy of these documents.

9 ~~G.S. 7A-675.2 Article 31 of Chapter 7B of the General Statutes petition, court,~~
10 ~~records pursuant to Chapter 7B of the General Statutes."~~

11 Section 26. G.S. 116-14(b1) reads as rewritten:

12 "(b1) The President shall receive General Fund appropriations made by the
13 General Assembly for continuing operations of The University of North Carolina that
14 are administered by the President and the President's staff complement established
15 pursuant to G.S. 116-14(b) in the form of a single sum to Budget Code 16010 of The
16 University of North Carolina in the manner and under the conditions prescribed by
17 G.S. 116-30.2. The President, with respect to the foregoing appropriations, shall have
18 the same duties and responsibilities that are prescribed by G.S. 116-30.2 for the
19 Chancellor of a special responsibility constituent institution. The President may
20 establish procedures for transferring funds from Budget Code 16010 to the constituent
21 institutions for nonrecurring expenditures. The President may identify funds for
22 capital improvement projects from Budget Code 16010, and the capital improvement
23 projects may be established following the procedures set out in ~~in~~ G.S. 143-18.1."

24 Section 27. G.S. 116B-66(a) reads as rewritten:

25 "(a) After property has been paid or delivered to the Treasurer under this Article,
26 another state may recover the property if:

27 (1) The property was paid or delivered to the custody of this State
28 because the records of the holder did not reflect a last known
29 location of the apparent owner within the borders of the other
30 state, and the other state establishes that the apparent owner or
31 other person entitled to the property was last known to be located
32 within the borders of that state and under the laws of that state the
33 property has escheated or become subject to a claim of
34 abandonment by that state;

35 (2) The property was paid or delivered to the custody of this State
36 because the laws of the other state did not provide for the escheat
37 or custodial taking of the property, and under the laws of that state
38 subsequently enacted, the property has escheated or become
39 subject to a claim of abandonment by that state;

40 (3) The records of the holder were erroneous in that they did not
41 accurately identify the owner of the property and the last known
42 location of the owner within the borders of another state, and
43 under the laws of that state the property has escheated or become
44 subject to a claim of abandonment by that state; or

1 (4) ~~The property was subjected to custody by this State under G.S.~~
2 ~~116B-56(6), and under the laws of the state of domicile of the~~
3 ~~holder, the property has escheated or become subject to a claim of~~
4 ~~abandonment by that state; or~~

5 (5) The property is a sum payable on a traveler's check, money order,
6 or similar instrument that was purchased in the other state and
7 delivered into the custody of this State under ~~G.S. 116B-56(7)~~, G.S.
8 116B-56(a)(6), and under the laws of the other state, the property
9 has escheated or become subject to a claim of abandonment by
10 that state."

11 Section 28. The catch line of G.S. 120-9 reads as rewritten:

12 "**§ 120-9. Freedom of ~~speech; protection from arrest.~~ speech.**"

13 Section 29. G.S. 126-2(b)(5) reads as rewritten:

14 "(5) One member of the public at large appointed by the Governor.
15 The initial member appointed under this subdivision shall serve for
16 a term expiring June 30, 2001; the terms of subsequent appointees
17 shall be for six years.

18 ~~seven~~".

19 Section 30. G.S. 131D-2(b)(1) reads as rewritten:

20 "(1) The Department of Health and Human Services shall inspect and
21 license, under rules adopted by the Medical Care Commission, all
22 adult care homes for persons who are aged or mentally or
23 physically disabled except those exempt in subsection (c) of this
24 section. Licenses issued under the authority of this section shall be
25 valid for one year from the date of issuance unless revoked earlier
26 by the Secretary for failure to comply with any part of this section
27 or any rules adopted hereunder adult care. ~~adult care adult care~~
28 Licenses shall be renewed annually upon filing and the
29 Department's approval of the renewal application. A license shall
30 not be renewed if outstanding fines and penalties imposed by the
31 State against the home have not been paid. Fines and penalties for
32 which an appeal is pending are exempt from consideration. The
33 renewal application shall contain all necessary and reasonable
34 information that the Department may by rule require. Except as
35 otherwise provided in this subdivision, the Department may amend
36 a license by reducing it from a full license to a provisional license
37 for a period of not more than 90 days whenever the Department
38 finds that:

39 a. The licensee has substantially failed to comply with the
40 provisions of Articles 1 and 3 of Chapter 131D of the
41 General Statutes and the rules adopted pursuant to these
42 Articles;

- 1 b. There is a reasonable probability that the licensee can
2 remedy the licensure deficiencies within a reasonable length
3 of time; and
4 c. There is a reasonable probability that the licensee will be
5 able thereafter to remain in compliance with the licensure
6 rules for the foreseeable future.

7 The Department may extend a provisional license for not more
8 than one additional 90-day period upon finding that the licensee
9 has made substantial progress toward remedying the licensure
10 deficiencies that caused the license to be reduced to provisional
11 status.

12 The Department may revoke a license whenever:

- 13 a. The Department finds that:
14 1. The licensee has substantially failed to comply with
15 the provisions of Articles 1 and 3 of Chapter 131D of
16 the General Statutes and the rules adopted pursuant
17 to these Articles; and
18 2. It is not reasonably probable that the licensee can
19 remedy the licensure deficiencies within a reasonable
20 length of time; or
21 b. The Department finds that:
22 1. The licensee has substantially failed to comply with
23 the provisions of Articles 1 and 3 of Chapter 131D of
24 the General Statutes and the rules adopted pursuant
25 to these Articles; and
26 2. Although the licensee may be able to remedy the
27 deficiencies within a reasonable time, it is not
28 reasonably probable that the licensee will be able to
29 remain in compliance with licensure rules for the
30 foreseeable future; or
31 c. The Department finds that the licensee has failed to comply
32 with the provisions of Articles 1 and 3 of Chapter 131D of
33 the General Statutes and the rules adopted pursuant to these
34 Articles, and the failure to comply endangered the health,
35 safety, or welfare of the patients in the facility.

36 The Department may also issue a provisional license to a facility,
37 pursuant to rules adopted by the Medical Care Commission, for
38 substantial failure to comply with the provisions of this section or
39 rules adopted pursuant to this section. Any facility wishing to
40 contest the issuance of a provisional license shall be entitled to an
41 administrative hearing as provided in the Administrative Procedure
42 Act, Chapter 150B of the General Statutes. A petition for a
43 contested case shall be filed within 30 days after the Department
44 mails written notice of the issuance of the provisional license."

Section 31. G.S. 136-176(b)(2) reads as rewritten:

"(2) Twenty-five and five hundredths percent (25.05%) to plan, design, and construct the urban loops described in ~~G.S. 136-80~~ G.S. 136-180 and to pay debt service on highway bonds and notes that are issued under the State Highway Bond Act of 1996 and whose proceeds are applied to these urban loops."

Section 32. G.S. 143-151.57(a) reads as rewritten:

"(a) Maximum Fees. -- The Board may adopt fees that do not exceed the amounts set in the following table for administering this Article:

<u>Item</u>	<u>Maximum Fee</u>
Application for home inspector license	\$25.00
Application for associate home inspector license	15.00
Home inspector examination	75.00
Issuance of home inspector license	150.00
Issuance of associate home inspector license	100.00
Late renewal of home inspector license	25.00
Late renewal of associate home inspector license	
inspector	15.00
Application for course approval	150.00
Renewal of course approval	75.00
Course fee, per credit hour per licensee	5.00
Credit for unapproved continuing education course	50.00
Copies of Board rules or licensure standards	Cost of printing and mailing."

Section 33. G.S. 143B-270(c) reads as rewritten:

"(c) Members appointed shall hold office for a term of four years beginning on October 1, 1987, except that three of the initial appointees and these three appointees' immediate successors shall serve a term of two years, with the immediate successors' terms expiring on September 30, 1991. ~~The Speaker, Lieutenant Governor, and Governor shall each select one of their initial appointees to serve a two-year term.~~"

Section 34. G.S. 160A-23.1(d) reads as rewritten:

"(d) If the council adopts the resolution provided for in subsection (a) of this section ~~and:~~

- (1) ~~Does and does~~ not adopt the changes, or
- (2) ~~Does does~~ adopt the changes, but approval under the Voting Rights Act of 1965, as amended, is required, and notice of such approval is not received,

by the end of the third day before the opening of the filing period, the municipal election shall be rescheduled as provided in this subsection and current officeholders shall hold over until their successors are elected and qualified. For cities using the:

- (1) Partisan primary and election method under G.S. 163-291, the primary shall be held on the primary election date for county officers in 2002, the second primary, if necessary, shall be held on

1 the second primary election date for county officers in 2002, and
2 the general election shall be held on the general election date for
3 county officers in ~~1992~~, 2002;

4 (2) Nonpartisan primary and election method under G.S. 163-294, the
5 primary shall be held on the primary election date for county
6 officers in 2002 and the election shall be held on the date for the
7 second primary for county officers in 2002;

8 (3) Nonpartisan plurality election method under G.S. 163-292, the
9 election shall be held on the primary election date for county
10 officers in 2002;

11 (4) Election and runoff method under G.S. 163-293, the election shall
12 be held on the primary election date for county officers in 2002
13 and the runoffs, if necessary, shall be held on the date for the
14 second primary for county officers in 2002.

15 The organizational meeting of the new council may be held at any time after the
16 results of the election have been officially determined and published, but not later
17 than the time and date of the first regular meeting of the council in July 2002, except
18 in the case of partisan municipal elections, when the organizational meeting shall be
19 held not later than the time and date of the first regular meeting of the council in
20 December of 2002."

21 Section 35. G.S. 5A-23(g) reads as rewritten:

22 "~~(g) A judge conducting a hearing to determine if a person is in civil contempt~~
23 ~~may at that hearing, upon making the required findings, find the person in criminal~~
24 ~~contempt for the same conduct, regardless of whether imprisonment for civil~~
25 ~~contempt is proper in the case. A person who is found in civil contempt under this~~
26 Article shall not, for the same conduct, be found in criminal contempt under Article
27 1 of this Chapter."

28 Section 36. G.S. 7A-41(c)(8) reads as rewritten:

29 "(8) The names and boundaries of precincts in New Hanover and
30 Pender Counties are those in existence on ~~May~~ December 1, 1999."

31 Section 37. G.S. 14-113.20(b) reads as rewritten:

32 "(b) The term "identifying information" as used in this section includes the
33 following:

- 34 (1) Social security numbers.
- 35 (2) Drivers license numbers.
- 36 (3) Checking account numbers.
- 37 (4) Savings account numbers.
- 38 (5) Credit card numbers.
- 39 (6) Debit card numbers.
- 40 (7) Personal Identification (PIN) Code as defined in ~~G.S. 14-113.8(8).~~
41 G.S. 14-113.8(6).
- 42 (8) Electronic identification numbers.
- 43 (9) Digital signatures.

1 (10) Any other numbers or information that can be used to access a
2 person's financial resources."

3 Section 38. G.S. 7A-751(a) reads as rewritten:

4 "(a) The head of the Office of Administrative Hearings is the Chief
5 Administrative Law Judge, who shall serve as Director of the Office. The Chief
6 Administrative Law Judge has the powers and duties conferred on that position by
7 this Chapter and the Constitution and laws of this State and may adopt rules to
8 implement the conferred powers and duties.

9 The salary of the Chief Administrative Law Judge shall be the same as that fixed
10 from time to time for district court judges. The salary of a Senior Administrative
11 Law Judge shall be ninety-five percent (95%) of the salary of the Chief
12 Administrative Law Judge.

13 In lieu of merit and other increment raises, the Chief Administrative Law Judge
14 and any Senior Administrative Law Judge shall receive longevity pay on the same
15 basis as is provided to employees of the State who are subject to the State Personnel
16 Act."

17 Section 38.1.(a) G.S. 17C-3(a) reads as rewritten:

18 "(a) There is established the North Carolina Criminal Justice Education and
19 Training Standards Commission, hereinafter called 'the ~~Commission,~~ in the
20 ~~Department of Justice. Commission.~~' The Commission shall be composed of 26
21 members as follows:

- 22 (1) Police Chiefs. -- Three police chiefs selected by the North Carolina
23 Association of Chiefs of Police and one police chief appointed by
24 the Governor.
- 25 (2) Police Officers. -- Three police officials appointed by the North
26 Carolina Police Executives Association and two criminal justice
27 officers certified by the Commission as selected by the North
28 Carolina Law-Enforcement Officers' Association.
- 29 (3) Departments. -- The Attorney General of the State of North
30 Carolina; the Secretary of the Department of Crime Control and
31 Public Safety; the Secretary of the Department of Correction; the
32 President of the ~~Department~~ North Carolina System of Community
33 Colleges.
- 34 (3a) A representative of the Office of Juvenile Justice.
- 35 (4) At-large Groups. -- One individual representing and appointed by
36 each of the following organizations: one mayor selected by the
37 League of Municipalities; one law-enforcement training officer
38 selected by the North Carolina Law-Enforcement Training
39 Officers' Association; one criminal justice professional selected by
40 the North Carolina Criminal Justice Association; one sworn law-
41 enforcement officer selected by the North State Law-Enforcement
42 Officers' Association; one member selected by the North Carolina
43 Law-Enforcement Women's Association; and one District Attorney
44 selected by the North Carolina Association of District Attorneys.

- 1 (5) Citizens and Others. -- The President of The University of North
2 Carolina; the Director of the Institute of Government; and two
3 citizens, one of whom shall be selected by the Governor and one
4 of whom shall be selected by the Attorney General. The General
5 Assembly shall appoint two persons, one upon the
6 recommendation of the Speaker of the House of Representatives
7 and one upon the recommendation of the President Pro Tempore
8 of the Senate. Appointments by the General Assembly shall be
9 made in accordance with G.S. 120-122. Appointments by the
10 General Assembly shall serve two-year terms to conclude on June
11 30th in odd-numbered years."

12 Section 38.1.(b) G.S. 17C-6(a) reads as rewritten:

13 "(a) In addition to powers conferred upon the Commission elsewhere in this
14 Chapter, the Commission shall have the following powers, which shall be enforceable
15 through its rules and regulations, certification procedures, or the provisions of G.S.
16 17C-10:

- 17 (1) Promulgate rules and regulations for the administration of this
18 Chapter, which rules may require (i) the submission by any
19 criminal justice agency of information with respect to the
20 employment, education, retention, and training of its criminal
21 justice officers, and (ii) the submission by any criminal justice
22 training school of information with respect to its criminal justice
23 training programs that are required by this Chapter;
- 24 (2) Establish minimum educational and training standards that must be
25 met in order to qualify for entry level employment and retention as
26 a criminal justice officer in temporary or probationary status or in
27 a permanent position;
- 28 (3) ~~Certify~~, Certify and recertify, pursuant to the standards that it has
29 established for the purpose, persons as qualified under the
30 provisions of this Chapter to be employed at entry level and
31 retained as criminal justice officers;
- 32 (4) Establish minimum standards for the certification of criminal
33 justice training schools and programs or courses of instruction that
34 are required by this Chapter;
- 35 (5) ~~Certify~~, Certify and recertify, pursuant to the standards that it has
36 established for the purpose, criminal justice training schools and
37 programs or courses of instruction that are required by this
38 Chapter;
- 39 (6) Establish minimum standards and levels of education and
40 experience for all criminal justice instructors who participate in
41 programs or courses of instruction that are required by this
42 Chapter;
- 43 (7) ~~Certify~~, Certify and recertify, pursuant to the standards that it has
44 established for the purpose, criminal justice instructors who

1 participate in programs or courses of instruction that are required
2 by this Chapter;

3 (8) Investigate and make such evaluations as may be necessary to
4 determine if criminal justice agencies, schools, and individuals are
5 complying with the provisions of this Chapter;

6 (9) Adopt and amend bylaws, consistent with law, for its internal
7 management and control;

8 (10) Enter into contracts incident to the administration of its authority
9 pursuant to this Chapter;

10 (11) Establish minimum standards and levels of training for certification
11 and periodic recertification of operators of and instructors for
12 training programs in radio microwave, laser, and other electronic
13 speed-measuring instruments;

14 (12) Certify and recertify, pursuant to the standards that it has
15 established, operators and instructors for training programs for
16 each approved type of radio microwave, laser, and other electronic
17 speed-measuring instruments;

18 (13) In conjunction with the Secretary of Crime Control and Public
19 Safety, approve use of specific models and types of radio
20 microwave, laser, and other speed-measuring instruments and
21 establish the procedures for operation of each approved instrument
22 and standards for calibration and testing for accuracy of each
23 approved instrument.

24 (14) Establish minimum standards for in-service training for criminal
25 justice officers."

26 Section 39. G.S. 18B-108 reads as rewritten:

27 "**§ 18B-108. Sales on trains.**

28 Alcoholic beverages may be sold on railroad trains in this State upon receipt of the
29 ~~required revenue license under G.S. 105-113.76.~~ compliance with Article 2C of
30 Chapter 105 of the General Statutes."

31 Section 40.(a) G.S. 24-1.1A(c) reads as rewritten:

32 "(c) If the home loan is one described in subdivision (a)(1) or subdivision (a)(2)
33 of this section, the lender may charge the borrower the following fees and charges in
34 addition to interest and other fees and charges as permitted in this section and late
35 payment charges as permitted in G.S. 24-10.1:

36 (1) At or before loan closing, the lender may charge such of the
37 following fees and charges as may be agreed upon by the parties
38 notwithstanding the provisions of any State law, other than G.S.
39 24-1.1E, limiting the amount of such fees or charges:

40 a. Loan application, origination, ~~and commitment fees;~~
41 commitment, and interest rate lock fees;

42 a1. Fees to administer a construction loan or a
43 construction/permanent loan, including inspection fees and
44 loan conversion fees;

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- b. Discount points, but only to the extent the discount points are paid for the purpose of reducing, and in fact result in a bona fide reduction of the interest rate or time-price differential;
 - c. Assumption fees to the extent permitted by G.S. 24-10(d);
 - d. Appraisal fees to the extent permitted by G.S. 24-10(h);
 - e. ~~To Fees and charges~~ to the extent permitted by ~~G.S. 24-8(d)~~, ~~sums for the payment of bona fide loan-related goods, products, and services provided or to be provided by third parties and sums for the payment of taxes, filing fees, recording fees, and other charges, and fees paid or to be paid to public officials; G.S. 24-8(d);~~ and
 - f. Additional fees and charges, however individually or collectively denominated, payable to the lender which, in the aggregate, do not exceed the greater of (i) one quarter of one percent (1/4 of 1%) of the principal amount of the loan, or (ii) one hundred fifty dollars (\$150.00).
- (2) Except as provided in subsection (g) of this section with respect to the deferral of loan payments, upon modification, renewal, extension, or amendment of any of the terms of a home loan, the lender may charge such of the following fees and charges as may be agreed upon by the parties notwithstanding the provisions of any State law, other than G.S. 24-1.1E, limiting the amount of such fees or charges:
- a. Discount points, but only to the extent the discount points are paid for the purpose of reducing, and in fact result in a bona fide reduction of, the interest rate or time-price differential;
 - a1. Fees which do not exceed one quarter of one percent (1/4 of 1%) of the principal amount of the loan if the principal amount of the loan is less than one hundred fifty thousand dollars (\$150,000), or one percent of the principal amount of the loan if the principal amount of the loan is one hundred fifty thousand dollars (\$150,000) or more, for the conversion of a variable interest rate loan to a fixed interest rate loan, of a fixed interest rate loan to a variable interest rate loan, of a closed-end loan to an open-end loan, or of an open-ended loan to a closed-end loan;
 - b. Assumption fees to the extent permitted by G.S. 24-10(d);
 - c. Appraisal fees to the extent permitted by G.S. 24-10(h);
 - d. ~~To Fees and charges~~ to the extent permitted by ~~G.S. 24-8(d)~~, ~~sums for the payment of bona fide loan-related goods, products, and services provided or to be provided by third parties and sums for the payment of taxes, filing fees,~~

1 ~~recording fees, and other charges, and fees paid or to be~~
2 ~~paid to public officials; G.S. 24-8(d); and~~

- 3 e. ~~Additional~~ If no fees are charged under subdivision (c)(2)b.
4 of this section, additional fees and charges, however
5 individually or collectively denominated, payable to the
6 lender which, in the aggregate, do not exceed the greater of
7 (i) one quarter of one percent (1/4 of 1%) of the balance
8 outstanding at the time of the modification, renewal,
9 extension, or amendment of terms, or (ii) one hundred fifty
10 dollars (\$150.00). The fees and charges permitted by this
11 sub-subdivision may be charged only pursuant to a written
12 agreement which states the amount of the fee or charge and
13 is made at the time of the specific modification, renewal,
14 extension, or amendment, or at the time the specific
15 modification, renewal, extension, or amendment is
16 requested.'

17 Section 40.(b) G.S. 24-1.1A(g)(2)e. reads as rewritten:

- 18 "e. ~~No lender may charge a deferral fee for modifying or~~
19 ~~extending the maturity date of a loan or the date a balloon~~
20 ~~payment is due; provided, however, that any such~~
21 ~~modification or extension of the loan maturity date or the~~
22 ~~date a balloon payment is due shall, to the extent applicable,~~
23 ~~be considered a modification or extension subject to the~~
24 ~~provisions of subdivision (c)(2) of this section. A lender may~~
25 ~~charge a deferral fee under this subsection for deferring the~~
26 ~~payment of all or part of one or more regularly scheduled~~
27 ~~payments, regardless of whether the deferral results in an~~
28 ~~extension of the loan maturity date or the date a balloon~~
29 ~~payment is due. A modification or extension of the loan~~
30 ~~maturity date or the date a balloon payment is due which is~~
31 ~~not incident to the deferral of a regularly scheduled~~
32 ~~payment shall be considered a modification or extension~~
33 ~~subject to the provisions of subdivision (c)(2) of this~~
34 ~~section.'~~

35 Section 40.(c) G.S. 24-89(d) reads as rewritten:

- 36 "(d) Notwithstanding any contrary provision of State law, any lender may collect
37 money from the borrower for the payment of (i) bona fide loan-related goods,
38 products, and services provided or to be provided by third parties, ~~and~~ (ii) taxes,
39 filing fees, recording fees, and other charges and fees paid or to be paid to public
40 ~~officials; officials, and (iii) fees payable to the federal government, any state or local~~
41 government or any federal, state, or local governmental agency in connection with a
42 loan made pursuant to a loan program sponsored by or offered through the federal
43 government, any state or local government or any federal, state or local government
44 agency, including loan guarantee and tax credit programs. No third party shall

1 charge or receive (i) any unreasonable compensation for loan-related goods, products,
2 and services, or (ii) any compensation for which no loan-related goods and products
3 are provided or for which no or only nominal loan-related services are performed.
4 Loan-related goods, products, and services include fees for tax payment services, fees
5 for flood certification, fees for pest-infestation determinations, mortgage brokers' fees,
6 appraisal fees, inspection fees, environmental assessment fees, fees for credit report
7 services, assessments, costs of upkeep, surveys, attorneys' fees, notary fees, escrow
8 charges,
9 and insurance premiums (including, for example, fire, title, life, accident and health,
10 disability, unemployment, flood, and mortgage insurance)."

11 Section 40.1. G.S. 24-1.1E(c) reads as rewritten:

12 "(c) Prohibited Acts and Practices. -- The following acts and practices are
13 prohibited in the making of a high-cost home loan:

14 (1) No lending without home-ownership counseling. -- A lender may
15 not make a high-cost home loan without first receiving certification
16 from a counselor approved by the North Carolina Housing Finance
17 Agency that the borrower has received counseling on the
18 advisability of the loan transaction and the appropriate loan for the
19 borrower.

20 (2) No lending without due regard to repayment ability. -- As used in
21 this subsection, the term "obligor" refers to each borrower, co-
22 borrower, cosigner, or guarantor obligated to repay a loan. A
23 lender may not make a high-cost home loan unless the lender
24 reasonably believes at the time the loan is consummated that one
25 or more of the obligors, when considered individually or
26 collectively, will be able to make the scheduled payments to repay
27 the obligation based upon a consideration of their current and
28 expected income, current obligations, employment status, and other
29 financial resources (other than the borrower's equity in the
30 dwelling which secures repayment of the loan). An obligor shall be
31 presumed to be able to make the scheduled payments to repay the
32 obligation if, at the time the loan is consummated, the obligor's
33 total monthly debts, including amounts owed under the loan, do
34 not exceed fifty percent (50%) of the obligor's monthly gross
35 income as verified by the credit application, the obligor's financial
36 statement, a credit report, financial information provided to the
37 lender by or on behalf of the obligor, or any other reasonable
38 means; provided, no presumption of inability to make the
39 scheduled payments to repay the obligation shall arise solely from
40 the fact that, at the time the loan is consummated, the obligor's
41 total monthly debts (including amounts owed under the loan)
42 exceed fifty percent (50%) of the obligor's monthly gross income.

43 (3) No financing of fees or charges. -- In making a high-cost home
44 loan, a lender may not directly or indirectly finance:

- 1 a. Any prepayment fees or penalties payable by the borrower
 2 in a refinancing transaction if the lender or an affiliate of
 3 the lender is the noteholder of the note being refinanced;
 4 b. Any points and fees; or
 5 c. Any other charges payable to third parties.
 6 (4) No benefit from refinancing existing high-cost home loan with new
 7 high-cost home loan. -- A lender may not charge a borrower points
 8 and fees in connection with a high-cost home loan if the proceeds
 9 of the high-cost home loan are used to refinance an existing high-
 10 cost home loan held by the same lender as noteholder.
 11 (5) Restrictions on home-improvement contracts. -- A lender may not
 12 pay a contractor under a home-improvement contract from the
 13 proceeds of a high-cost home loan other than (i) by an instrument
 14 payable to the borrower or jointly to the borrower and the
 15 contractor, or (ii) at the election of the borrower, through a third-
 16 party escrow agent in accordance with terms established in a
 17 written agreement signed by the borrower, the lender, and the
 18 contractor prior to the disbursement.
 19 (6) No shifting of liability. -- A lender is prohibited from shifting any
 20 loss, liability, or claim of any kind to the closing agent or closing
 21 attorney for any violation of this section."

22 Section 41. G.S. 42A-19 reads as rewritten:

23 "**§ 42A-19. Transfer of property subject to a vacation rental agreement.**

24 (a) The grantee of residential property voluntarily transferred by a landlord who
 25 has entered into a vacation rental agreement for the use of the property shall take his
 26 or her title subject to the vacation rental agreement if the vacation rental is to end
 27 not later than 180 days after the grantee's interest in the property is recorded in the
 28 office of the register of deeds. If the vacation rental is to end more than 180 days
 29 after the recording of the grantee's interest, the tenant shall have no right to enforce
 30 the terms of the agreement unless the grantee has agreed in writing to honor such
 31 terms, but the tenant shall be entitled to a refund of ~~any~~ payments made by him or
 32 ~~her.~~ her, as provided in subsection (b) of this section. Prior to entering into any
 33 contract of sale, the landlord shall disclose to the grantee the time periods that the
 34 property is subject to a vacation rental agreement. Not later than 10 days after
 35 entering into the contract of sale the landlord shall disclose to the grantee each
 36 tenant's name and address and shall provide the grantee with a copy of each vacation
 37 rental agreement. Not later than 10 days after transfer of the property, the grantee or
 38 the grantee's agent shall:

- 39 (1) Notify each tenant in writing of the property transfer, the grantee's
 40 name and address, and the date the grantee's interest was
 41 recorded.
 42 (2) Advise each tenant whether he or she has the right to occupy the
 43 property subject to the terms of the vacation rental agreement and
 44 the provisions of this section.

1 (3) Advise each tenant of whether he or she has the right to receive a
2 refund of any payments made by him or her.

3 (b) Except as otherwise provided in this subsection, upon termination of the
4 landlord's interest in the residential property subject to a vacation rental agreement,
5 whether by sale, assignment, death, appointment of receiver or otherwise, the
6 landlord or the landlord's agent, or the real estate broker, shall, within 30 days,
7 transfer all advance rent paid by the tenant, and the portion of any fees remaining
8 after any lawful deductions made under G.S. 42A-16, to the landlord's successor in
9 interest and thereafter notify the tenant by mail of such transfer and of the
10 transferee's name and address. For vacation rentals that end more than 180 days after
11 the recording of the interest of the landlord's successor in interest, unless the
12 landlord's successor in interest has agreed in writing to honor the vacation rental
13 agreement, the landlord or the landlord's agent, or the real estate broker, shall,
14 within 30 days, transfer all advance rent paid by the tenant, and the portion of any
15 fees remaining after any lawful deductions made under G.S. 42A-16, to the tenant.
16 Compliance with this subsection shall relieve the landlord or real estate broker of
17 further liability with respect to any payment of rent or fees. Funds held as a security
18 deposit shall be disbursed in accordance with G.S. 42A-18.

19 ~~(e) If, prior to the tenant's occupancy of the property, the landlord's interest in~~
20 ~~the property is involuntarily transferred to another, the landlord shall refund to the~~
21 ~~tenant within 60 days after the transfer any payments made by the tenant.~~

22 (d) The failure of a landlord to comply with the provisions of this section shall
23 constitute an unfair trade practice in violation of G.S. 75-1.1. A landlord who
24 complies with the requirements of this section shall have no further obligations to the
25 tenant."

26 Section 42.(a) G.S. 43-22 reads as rewritten:

27 "**§ 43-22. Jurisdiction of courts; registered land affected only by registration.**

28 Except as otherwise specially provided by this Chapter, registered land and
29 ownership therein shall be subject to the jurisdiction of the courts in the same
30 manner as if it had not been registered; but the registration shall be the only
31 operative act to transfer or affect the title to registered land, and shall date from the
32 time the writing, instrument or record to be registered is duly filed in the office of the
33 register of deeds, subject to the provisions of this Chapter; no voluntary or
34 involuntary transaction shall affect the title to registered lands until registered in
35 accordance with the provisions of this Chapter: Provided, that all mortgages, deeds,
36 surrendered and canceled certificates, when new certificates are issued for the land so
37 deeded, the other paper- writings, if any, pertaining to and affecting the registered
38 estate or estates herein referred to, shall be filed by the register of deeds for reference
39 and information, but the ~~registration of titles book~~ consolidated real property records
40 shall be and constitute sole and conclusive legal evidence of title, except in cases of
41 mistake and fraud, which shall be corrected in the methods now provided for the
42 correction of papers authorized to be registered."

43 Section 42.(b) G.S. 43-25 reads as rewritten:

44 "**§ 43-25. Release from registration.**

1 Whenever the record owner of any estate in lands, the title to which has been
2 registered or attempted to be registered in accordance with the provisions of this
3 Chapter, desires to have such estate released from the provisions of said Chapter
4 insofar as said Chapter relates to the form of conveyance, so that such estate may
5 ever thereafter be conveyed, either absolutely or upon condition or trust, by the use
6 of any desired form of conveyance other than the certificate of title prescribed by said
7 Chapter, such owner may present his owner's certificate of title to such registered
8 estate to the register of deeds of the county wherein such land lies, with a
9 memorandum or statement written by him on the margin thereof in the words
10 following, or words of similar import, to wit: "I (or we),....., being the owner (or
11 owners) of the registered estate evidenced by this certificate of title, do hereby release
12 said estate from the provisions of Chapter 43 of the General Statutes of North
13 Carolina insofar as said Chapter relates to the form of conveyance, so that hereafter
14 the said estate may, and shall be forever until again hereafter registered in accordance
15 with the provisions of said Chapter and acts amendatory thereof, conveyed, either
16 absolutely or upon condition or trust, by any form of conveyance other than the
17 certificate of title prescribed by said Chapter, and in the same manner as if said estate
18 had never been registered." Which said memorandum or statement shall further state
19 that it is made pursuant to the provisions of this section, and shall be signed by such
20 record owner and attested by the register of deeds under his hand and official seal,
21 and a like memorandum or statement so entered, signed and attested upon the
22 margin of the record of the said owner's certificate of title in the ~~registration of titles~~
23 ~~book~~ consolidated real property records in said register's office, with the further
24 notation made and signed by the register of deeds on the margin of the certificate of
25 title in the ~~registration of titles book~~ consolidated real property records showing that
26 such entry has been made upon the owner's certificate of title; and thereafter any
27 conveyance of such registered estate, or any part thereof, by such owner, his heirs or
28 assigns, by means of any desired form of conveyance other than such certificate of
29 title shall be as valid and effectual to pass such estate of the owner according to the
30 tenor and purport of such conveyance in the same manner and to the same extent as
31 if such estate had never been so registered."

32 Section 42.(c) G.S. 43-31 reads as rewritten:

33 "**§ 43-31. When whole of land conveyed.**

34 Whenever the whole of any registered estate is transferred or conveyed the same
35 shall be done by a transfer or conveyance attached to the certificate substantially as
36 follows:

37 The owners (giving the names of the parties owning land described in the
38 certificate) hereby, in consideration of _____ dollars, sell
39 and convey to the purchaser (giving name of purchaser) the lot or tract of land, as
40 the case may be, described in the certificate of title hereto attached. The transfer shall
41 be indexed on the grantor and grantee indexes in the same manner as deeds are
42 indexed.

43 The same shall be signed and properly acknowledged by the parties and shall have
44 the full force and effect of a deed in fee simple: Provided, that if the sale shall be in

1 trust, upon condition, with power to sell or other unusual form of conveyance, the
2 same shall be set out in the transfer, and shall be entered upon the ~~registration of~~
3 ~~titles book~~ consolidated real property records as hereinafter provided; that upon
4 presentation of the transfer, together with the certificate of title, to the register of
5 deeds, the transaction shall be duly noted and registered in accordance with the
6 provisions of this Chapter, and certificate of title so presented shall be canceled and a
7 new certificate with the same number issued to the purchaser thereof, which new
8 certificate shall fully refer by number and also by name of holder to former certificate
9 just canceled."

10 Section 42.(d) G.S. 43-35 reads as rewritten:

11 "**§ 43-35. References and cross references entered on register.**

12 In all cases the register of deeds shall place upon the ~~registry of title books~~
13 consolidated real property records and upon the certificate of title of such registered
14 estate therein, references and cross references to the new certificates issued as above
15 provided, in accordance with the provisions of this Article, and the new certificates
16 issued shall fully refer by number and by name of the holder to the canceled
17 certificate in place of which they are issued."

18 Section 42.(e) G.S. 43-36 reads as rewritten:

19 "**§ 43-36. When land conveyed as security.**

20 (a) Whole Land Conveyed. -- Whenever the owner of any registered estate shall
21 desire to convey same as security for debt, it may be done in the following manner,
22 by a short form of transfer, substantially as follows, to wit:

23 A.B. and wife (giving names of all owners or holders of certificates and their
24 wives) hereby transfer to C.D. the tract or lot of land described as No. in
25 registration of titles book for County, a certificate for the title for same being
26 hereto attached, to secure a debt of dollars, due to, of County and
27 State, on the day of,, evidenced by bond (or otherwise as the case may
28 be) dated the day of,, In case of default in payment of said debt with
29 accrued interest, days notice of sale required.

30 The same shall be signed and properly acknowledged by the parties making same,
31 and shall be presented, together with the owner's certificate, to the register of deeds,
32 whose duty it shall be to note upon the owner's certificate and upon the certificate of
33 title in the ~~registration of titles book~~ consolidated real property records the name of
34 the trustee, the amount of debt, and the date of maturity of same.

35 (b) Part of Land Conveyed. -- When a part of the registered estate shall be so
36 conveyed, the register of deeds shall note upon the ~~book~~ consolidated real property
37 records and owner's certificate the part so conveyed, and if the same be required and
38 the proper fee paid by the trustee, shall issue what shall be known as a partial
39 certificate, over his hand and seal, setting out the portion so conveyed.

40 (c) Effect of Transfer. -- All transfers by such short form shall convey the power of
41 sale upon due advertisement at the county courthouse and in some newspaper
42 published in the county, or adjoining county, in the same manner and as fully as is
43 now provided by law in the case of mortgages and deeds of trust and default therein.

1 (d) Other Encumbrances Noted. -- All registered encumbrances, rights or adverse
2 claims affecting the estate represented thereby shall continue to be noted, not only
3 upon the certificate of title in the ~~registration book~~, consolidated real property
4 records, but also upon the owner's certificate, until same shall have been released or
5 discharged. And in the event of second or other subsequent voluntary encumbrances
6 the holder of the certificate may be required to produce such certificate for the entry
7 thereon or attachment thereto of the note of such subsequent charge or encumbrance
8 as provided in this Article.

9 (e) Other Forms of Conveyance May Be Used. -- Nothing in this section nor this
10 Chapter shall be construed to prevent the owner from conveying such land, or any
11 part of the same, as security for a debt by deed of trust or mortgage in any form
12 which may be agreed upon between the parties thereto, and having such deed of trust
13 or mortgage recorded in the office of the register of deeds as other deeds of trust and
14 mortgages are recorded: Provided, that the book and page of the record at which
15 such deed of trust or mortgage is recorded shall be entered by the register of deeds
16 upon the owner's certificate and also on the ~~registration of titles book~~. consolidated
17 real property records.

18 (f) Sale under Lien; New Certification. -- Upon foreclosure of such deed of trust or
19 mortgage, or sale under execution for taxes or other lien on the land, the fact of such
20 foreclosure or sale shall be reported by the trustee, mortgagee or other person
21 authorized to make the same, to the register of deeds of the county in which the land
22 lies, and, upon satisfactory evidence thereof, it shall be his duty to call in and cancel
23 the outstanding certificate of title for the land, so sold, and to issue a new certificate
24 in its place to the purchaser or other person entitled thereto; and the production of
25 such outstanding certificate and its surrender by the holder thereof may be
26 compelled, upon notice to him, by motion before and order of the clerk of the
27 superior court in the original proceeding or the clerk of the superior court of the
28 county in which the land lies; but the right of appeal from such order may be
29 exercised and shall be allowed as in other special proceedings, and pending any such
30 appeal the rights of all parties shall be preserved."

31 Section 42.(f) G.S. 43-38 reads as rewritten:

32 "**§ 43-38. Transfers probated; partitions; contracts.**

33 All transfers of registered land shall be duly executed and probated as required by
34 law upon like conveyances of other lands, and in all cases of change in boundary by
35 partition, subtraction or addition of land there shall be an accurate survey and
36 permanent marking of boundaries and accurate plots, showing the courses, distances
37 and markings of every portion thereof, which shall be duly proved and registered as
38 upon the initial registration. Such transfers shall be presented to the register of deeds
39 for entry upon the ~~registration of titles book~~ consolidated real property records and
40 upon the owner's certificate within 30 days from the date thereof, or become subject
41 to any rights which may accrue to any other person by a prior registration. All leases
42 or contracts affecting land for a period exceeding three years shall be in writing, duly
43 proved before the clerk of the superior court, recorded in the register's office, and
44 noted upon the registry and upon the owner's certificate."

1 Section 42.(g) G.S. 43-39 reads as rewritten:

2 **"§ 43-39. Certified copy of order of court noted.**

3 In voluntary transactions a certificate from the proper State, county or court
4 officer, or certified copy of the order, decree or judgment of any court of competent
5 jurisdiction shall be authority for him to order a proper notation thereof upon the
6 ~~registration of titles book~~, consolidated real property records, and for the register of
7 deeds to note the transaction under the direction of the court."

8 Section 42.(h) G.S. 43-42 reads as rewritten:

9 **"§ 43-42. Conveyance of registered land in trust.**

10 Whenever a writing, instrument or record is filed for the purpose of transferring
11 registered land in trust, or upon any equitable condition or limitation expressed
12 therein, or for the purpose of creating or declaring a trust or other equitable interest
13 in such land, the particulars of the trust, condition, limitation or other equitable
14 interest shall not be entered on the certificate, but it shall be sufficient to enter in the
15 ~~book~~ consolidated real property records and upon the certificates a memorial thereof
16 by the terms "in trust" or "upon condition" or in other apt words, and to refer by
17 number to the writing, instrument or record authorizing or creating the same. And if
18 express power is given to sell, encumber or deal with the land in any manner, such
19 power shall be noted upon the certificates by the term "with power to sell" or "with
20 power to encumber," or by other apt words."

21 Section 42.(i) G.S. 43-44 reads as rewritten:

22 **"§ 43-44. Validating conveyance by entry on margin of certificate.**

23 In all cases where the owner of any estate in lands, the title to which has been
24 registered or attempted to be registered in accordance with the provisions of this
25 Chapter, has before August 21, 1924, and subsequent to such registration made any
26 conveyance of such estate, or any portion thereof, by any form of conveyance
27 sufficient in law to pass the title thereto if the title to said lands had not been so
28 registered, the record owner and holder of the certificate of title covering such
29 registered estate may enter upon the margin of his certificate of title in the
30 ~~registration of titles book~~ consolidated real property records a memorandum showing
31 that such registered estate, or a portion thereof, has been so conveyed, and further
32 showing the name of the grantee or grantees and the number of the book and the
33 page thereof where such conveyance is recorded in the office of the register of deeds,
34 and make a like entry upon the owner's certificate of title held by him, both of such
35 entries to be signed by him and witnessed by the register of deeds, and attested by the
36 seal of office of the register of deeds upon said owner's certificate, with the further
37 notation made and signed by the register of deeds on the margin of the certificate of
38 title in the ~~registration of titles book~~ consolidated real property records showing that
39 such entry has been made upon the owner's certificate of title, and thereupon such
40 conveyance shall become and be as valid and effectual to pass such estate of the
41 owner according to the tenor and purport of such conveyance as if the title to said
42 lands had never been so registered, whether such conveyance be in form absolute or
43 upon condition of trust; and in all cases where such conveyance has been made
44 before August 21, 1924, upon the making of the entries herein authorized by the

1 record owner and holder of such owner's certificate of title, the grantee and his heirs
2 and assigns shall thereafter have the same right to convey the said estate or any part
3 of the same in all respects as if the title to said lands had never been so registered."

4 Section 42:(j) This section is effective retroactive to January 1, 2000.

5 Section 43. G.S. 55-5-04(b) reads as rewritten:

6 "(b) Whenever a corporation shall fail to appoint or maintain a registered agent in
7 this State, or whenever its registered agent cannot with due diligence be found at the
8 registered office, then the Secretary of State shall be an agent of such corporation
9 upon whom any such process, notice or demand may be served. Service on the
10 Secretary of State of any such process, notice or demand shall be made by delivering
11 to and leaving with ~~him~~ the Secretary of State or with any clerk having charge of the
12 corporation department of ~~his~~ the Secretary of State's office, duplicate copies of such
13 process, notice or ~~demand~~ demand and the fee required by G.S. 55-1-22(b). In the
14 event any such process, notice or demand is served on the Secretary of State, ~~he~~ the State
15 in the manner provided for in this section, the Secretary of State shall immediately
16 mail one of the copies thereof, by registered or certified mail, return receipt
17 requested, to the corporation at its principal office shown in its most recent annual
18 report or in any subsequent communication received from the corporation stating the
19 current mailing address of its principal office or, if there is no mailing address for the
20 principal office on file, to the corporation at its registered office. Service on a
21 corporation under this subsection shall be effective for all purposes from and after the
22 date of such service on the Secretary of State."

23 Section 44. G.S. 55-9-05 reads as rewritten:

24 "**§ 55-9-05. Exemptions.**

25 The provisions of G.S. 55-9-02 shall not be applicable to any corporation that shall
26 be made the subject of a business combination by an other entity if: (i) the
27 corporation was not a public corporation (as defined in G.S. 55-1-40 (18a)) at the
28 time such other entity acquired in excess of ten percent (10%) of the voting shares;
29 (ii) on or before September 30, 1990 (or such earlier date as may be irrevocably
30 established by resolution of the board of directors), the board of directors of a
31 corporation to which G.S. 55-9-02 was not applicable on July 1, 1990, (other than a
32 corporation described in G.S. 55-9-05 (iii)) adopted a bylaw stating that the
33 provisions of this Article shall not be applicable to the corporation; (iii) in the case of
34 a corporation to which G.S. 55-9-02 was not applicable on July 1, 1990, as the result
35 of adoption by its board of directors under G.S. 55-9-05(ii) of a bylaw providing that
36 G.S. 55-9-02 not apply to such corporation, the board of directors of such corporation
37 shall not have rescinded such bylaw on or before September 30, 1990 (or such earlier
38 date as may be irrevocably established by resolution of the board of directors); (iv) in
39 the case of a corporation (including its predecessors) which becomes a public
40 corporation for the first time after July 1, 1990, such corporation adopts a bylaw
41 within 90 days of becoming a public corporation stating that the provisions of this
42 Article shall not be applicable to it; (v) in the case of a newly formed corporation
43 after April 23, 1987, the initial articles of incorporation of the corporation shall
44 provide that the provisions of this Article shall not be applicable; ~~or~~ (vi) such

1 business combination was the subject of an existing agreement of the corporation on
2 ~~April 23, 1987.~~ April 23, 1987; or (vii) on or after September 1, 2000, and on or
3 before December 31, 2000, the board of directors of a corporation to which G.S. 55-
4 9-02 was applicable on September 1, 2000, adopts a bylaw stating that the provisions
5 of this Article shall not be applicable to the corporation. Neither the adoption or
6 failure to adopt a bylaw of the type set forth in ~~G.S. 55-9-05(ii) or (iv)~~ G.S. 55-9-
7 05(ii), (iv), or (vii) of this section nor the rescission or failure to rescind a bylaw of
8 the type referred to in G.S. 55-9-05(iii) shall constitute grounds for any cause of
9 action, at law or in equity, against the corporation or any of its directors."

10 Section 45. G.S. 55-11-10(e1) reads as rewritten:

11 "(e1) If the surviving business entity is not a domestic limited liability company, a
12 domestic corporation, a domestic nonprofit corporation, or a domestic limited
13 partnership, when the merger takes effect the surviving business entity is deemed:

14 (1) To agree that it may be served with process in this State in any
15 proceeding for enforcement (i) of any obligation of any merging
16 domestic limited liability company, domestic corporation, domestic
17 nonprofit corporation, domestic limited partnership, or other
18 partnership as defined in G.S. 59-36 that is formed under the laws
19 of this State, (ii) the rights of dissenting shareholders of any
20 merging domestic corporation under Article 13 of this Chapter,
21 and (iii) any obligation of the surviving business entity arising from
22 the merger; and

23 (2) If the surviving business entity does not have a registered agent in
24 this State, to have appointed the Secretary of State as its registered
25 agent for service of process in any such proceeding until such time
26 as the surviving business entity appoints a registered agent in this
27 State. Service on the Secretary of State of any such process shall
28 be made by delivering to and leaving with the Secretary of State or
29 with any clerk authorized by the Secretary of State to accept
30 service of process, duplicate copies of such ~~process.~~ process and
31 the fee required by G.S. 55-1-22(b). Upon receipt of service of
32 process on behalf of a surviving business entity, entity in the
33 manner provided for in this section, the Secretary of State shall
34 immediately mail a copy of the process by registered or certified
35 mail, return receipt requested, to the surviving business entity at its
36 address shown in the articles of merger or, if an application for a
37 certificate of withdrawal by reason of merger has been filed, at the
38 address for service of process contained in that application."

39 Section 46. G.S. 55A-5-04(b) reads as rewritten:

40 "(b) When a corporation fails to appoint or maintain a registered agent in this
41 State, or when its registered agent cannot with due diligence be found at the
42 registered office, the Secretary of State shall be an agent of the corporation upon
43 whom any process, notice, or demand may be served. Service on the Secretary of
44 State of any process, notice, or demand shall be made by delivering to and leaving

1 with the Secretary of State or with any clerk having charge of the corporation
2 department of ~~his~~ the Secretary of State's office, duplicate copies of such process,
3 notice, or ~~demand~~. demand and the fee required by G.S. 55A-1-22(b). In the event
4 any process, notice, or demand is served on the Secretary of ~~State~~, he State in the
5 manner provided for in this section, the Secretary of ~~State~~ shall immediately mail one
6 of the copies thereof, by registered or certified mail, return receipt requested, to the
7 corporation at its principal office shown in its most recent annual report, if
8 applicable, the articles of incorporation, the Designation of Principal Office Address
9 form, ~~in~~ any subsequent Corporation's Statement of Change of Principal Office
10 Address form, or in any subsequent communication received from the corporation
11 stating the current mailing address of its principal office or, if there is no mailing
12 address for the principal office on file, to the corporation at its registered office.
13 Service on a corporation under this subsection shall be effective for all purposes from
14 and after the date of such service on the Secretary of State."

15 Section 47. G.S. 55-9A-09 reads as rewritten:

16 "**§ 55-9A-09. Exemptions.**

17 The provisions of this Article shall not be applicable to any corporation if, on or
18 before September 30, 1990, or such earlier date as may be irrevocably established by
19 resolution of the board of directors, or at any time before the corporation becomes,
20 or after it ceases to be, a covered corporation, the board of directors adopts a bylaw
21 stating that the provisions of this Article shall not be applicable to the corporation;
22 or, in the case of a corporation formed after August 12, 1987, its initial articles of
23 incorporation provide that this Article shall not be applicable to the ~~corporation~~.
24 corporation; or on or after September 1, 2000, and on or before December 31, 2000,
25 the board of directors of a corporation to which the provisions of this Article were
26 applicable on September 1, 2000, adopts a bylaw stating that the provisions of this
27 Article shall not be applicable to the corporation. Neither adoption nor failure to
28 adopt such a bylaw or provision shall constitute grounds for any cause of action
29 against the corporation, or any officer or director of the corporation."

30 Section 48. G.S. 55A-11-09(e1) reads as rewritten:

31 "(e1) If the surviving business entity is not a domestic limited liability company, a
32 domestic business corporation, a domestic nonprofit corporation, or a domestic
33 limited partnership, when the merger takes effect the surviving business entity is
34 deemed:

- 35 (1) To agree that it may be served with process in this State in any
36 proceeding for enforcement of (i) any obligation of any merging
37 domestic limited liability company, domestic business corporation,
38 domestic nonprofit corporation, domestic limited partnership, or
39 other partnership as defined in G.S. 59-36 that is formed under the
40 laws of this State, (ii) the rights of dissenting shareholders of any
41 merging domestic business corporation under Article 13 of Chapter
42 55 of the General Statutes, and (iii) any obligation of the surviving
43 business entity arising from the merger; and

1 (2) If the surviving business entity does not have a registered agent in
2 this State, to have appointed the Secretary of State as its registered
3 agent for service of process in any such proceeding until such time
4 as the surviving business entity appoints a registered agent in this
5 State. Service on the Secretary of State of any such process shall
6 be made by delivering to and leaving with the Secretary of State or
7 with any clerk authorized by the Secretary of State to accept
8 service of process, duplicate copies of such ~~process~~ process and
9 the fee required by G.S. 55A-1-22(b). Upon receipt of service of
10 process on behalf of a surviving business ~~entity~~, entity in the
11 manner provided for in this section, the Secretary of State shall
12 immediately mail a copy of the process by registered or certified
13 mail, return receipt requested, to the surviving business entity at its
14 address shown in the articles of merger or, if an application for a
15 certificate of withdrawal by reason of merger has been filed, at the
16 address for service of process contained in that application."

17 Section 49. G.S. 57C-2-43(b) reads as rewritten:

18 "(b) Whenever a limited liability company shall fail to appoint or maintain a
19 registered agent in this State, or whenever its registered agent cannot with due
20 diligence be found at the registered office, then the Secretary of State shall be an
21 agent of the limited liability company upon whom any process, notice, or demand
22 may be served. Service on the Secretary of State of any such process, notice, or
23 demand shall be made by delivering to and leaving with the Secretary of State or
24 with any clerk having charge of the limited liability company department of the
25 Secretary of State's office, duplicate copies of the process, notice, or ~~demand~~
26 demand and the fee required by G.S. 57C-1-22(b). In the event any such process,
27 notice, or demand is served on the Secretary of ~~State~~, State in the manner provided
28 for in this section, the Secretary of State shall immediately mail one of the copies
29 thereof, by registered or certified mail, return receipt requested, to the limited
30 liability company at its principal office shown in its most recent annual report, at the
31 address indicated in the latest communication received by the Secretary of State from
32 the limited liability company stating the current mailing address of its principal office
33 or, if there is no mailing address for the principal office on file, to the limited liability
34 company at its registered office. Service on a limited liability company under this
35 subsection shall be effective for all purposes from and after the date of the service on
36 the Secretary of State."

37 Section 50. G.S. 57C-7-04(a) reads as rewritten:

38 "(a) A foreign limited liability company may apply for a certificate of authority to
39 transact business in this State by delivering an application to the Secretary of State
40 for filing. The application must set forth:

41 (1) The name of the foreign limited liability company or, if its name is
42 unavailable for use in this State, a name that satisfies the
43 requirements of G.S. 57C-7-06;

44 (2) The name of the state or country under whose law it is organized;

- 1 (3) Its date of organization and period of duration;
2 (4) The street address, and the mailing address if different from the
3 street address, of its principal office ~~in the state or country under~~
4 ~~whose law it is organized;~~ office;
5 (5) The street address, and the mailing address if different from the
6 street address, of its registered office in this State and the name of
7 its registered agent at that office; and
8 (6) The names and usual business addresses of its current managers."

9 Section 51. G.S. 57C-9A-23(b) reads as rewritten:

10 "(b) If the surviving business entity is not a domestic limited liability company, a
11 domestic corporation, a domestic nonprofit corporation, or a domestic limited
12 partnership when the merger takes effect, the surviving business entity is deemed:

- 13 (1) To agree that it may be served with process in this State in any
14 proceeding for enforcement of (i) any obligation of any merging
15 domestic limited liability company, domestic corporation, domestic
16 nonprofit corporation, domestic limited partnership, or other
17 partnership as defined in G.S. 59-36 that is formed under the laws
18 of this State, (ii) the rights of dissenting shareholders of any
19 merging domestic corporation under Article 13 of Chapter 55 of
20 the General Statutes, and (iii) any obligation of the surviving
21 business entity arising from the merger; and
22 (2) If the surviving business entity does not have a registered agent in
23 this State, to have appointed the Secretary of State as its registered
24 agent for service of process in any such proceeding until such time
25 as the surviving business entity appoints a registered agent in this
26 State. Service on the Secretary of State of any such process shall
27 be made by delivering to and leaving with the Secretary of State or
28 with any clerk authorized by the Secretary of State to accept
29 service of process, duplicate copies of such ~~process.~~ process and
30 the fee required by G.S. 57C-1-22(b). Upon receipt of service of
31 process on behalf of a surviving business entity, entity in the
32 manner provided for in this section, the Secretary of State shall
33 immediately mail a copy of the process by registered or certified
34 mail, return receipt requested, to the surviving business entity at its
35 address shown in the articles of merger or, if an application for a
36 certificate of withdrawal by reason of merger has been filed, at the
37 address for service of process contained in that application."

38 Section 52. G.S. 59-73.6(b) reads as rewritten:

39 "(b) If the surviving business entity is not a domestic limited liability company, a
40 domestic corporation, a domestic nonprofit corporation, or a domestic limited
41 partnership when the merger takes effect, the surviving business entity is deemed:

- 42 (1) To agree that it may be served with process in this State in any
43 proceeding for enforcement of (i) any obligation of any merging
44 domestic limited liability company, domestic corporation, domestic

1 nonprofit corporation, domestic limited partnership, or other
2 partnership as defined in G.S. 59-36 that is formed under the laws
3 of this State, (ii) the rights of dissenting shareholders of any
4 merging domestic corporation under Article 13 of Chapter 55 of
5 the General Statutes, and (iii) any obligation of the surviving
6 business entity arising from the merger; and

- 7 (2) If the surviving business entity does not have a registered agent in
8 this State, to have appointed the Secretary of State as its registered
9 agent for service of process in any such proceeding until such time
10 as the surviving business entity appoints a registered agent in this
11 State. Service on the Secretary of State of any such process shall
12 be made by delivering to and leaving with the Secretary of State or
13 with any clerk authorized by the Secretary of State to accept
14 service of process, duplicate copies of such ~~process~~ process and
15 the fees required by G.S. 59-73.7(c). Upon receipt of service of
16 process on behalf of a surviving business entity, entity in the
17 manner provided for in this section, the Secretary of State shall
18 immediately mail a copy of the process by registered or certified
19 mail, return receipt requested, to the surviving business entity at its
20 address shown in the articles of merger or, if an application for a
21 certificate of withdrawal by reason of merger has been filed, at the
22 address for service of process contained in that application."

23 Section 53. G.S. 59-84.2(h) reads as rewritten:

24 "~~(h) An amendment or withdrawal of a registration is effective on the later of the~~
25 ~~date it is filed or a deferred effective date specified in the amendment or withdrawal.~~
26 A registration is amended by filing a certificate of amendment thereto in the office of
27 the Secretary of State. The certificate shall set forth the following:

- 28 (1) The name of the partnership.
29 (2) The date of filing of the registration.
30 (3) The amendment to the registration."

31 Section 54. G.S. 59-91(f) reads as rewritten:

32 "~~(f) An amendment or withdrawal of a registration is effective on the later of the~~
33 ~~date it is filed or a deferred effective date specified in the amendment or withdrawal.~~
34 A registration is amended by filing a certificate of amendment thereto in the office of
35 the Secretary of State. The certificate shall set forth the following:

- 36 (1) The name of the partnership.
37 (2) The date of filing of the registration.
38 (3) The amendment to the registration."

39 Section 55. G.S. 59-902(a)(4) reads as rewritten:

40 "(a) Before transacting business in this State, a foreign limited partnership shall
41 procure a certificate of authority to transact business in this State from the Secretary
42 of State. No foreign limited partnership shall be entitled to transact in this State any
43 business which a limited partnership organized under this Article is not permitted to
44 transact. In order to register, a foreign limited partnership shall deliver to the

1 Secretary of State an original and one conformed copy of an application for
2 registration as a foreign limited partnership, signed by a general partner and setting
3 forth:

- 4 (1) The name of the foreign limited partnership and, if different, the
5 name under which it proposes to register and transact business in
6 this State;
- 7 (2) The jurisdiction and date of its formation;
- 8 (3) The date of formation and the period of duration;
- 9 (4) The address, including county and city or town, and street and
10 number, if any, of the principal office of the foreign limited
11 ~~partnership in the jurisdiction under the laws of which it is formed;~~
12 partnership;
- 13 (5) The address, including county and city or town, and street and
14 number, if any, of the proposed registered office of the foreign
15 limited partnership in this State, and the name of its proposed
16 registered agent in this State at such address; the agent must be an
17 individual resident of this State, a domestic corporation, or a
18 foreign corporation having a place of business in, and authorized
19 to do business in this State;
- 20 (6) If the certificate of limited partnership filed in the foreign limited
21 partnership's state of organization is not required to include the
22 names and addresses of the partners, a list of the names and
23 addresses or, at the election of the foreign limited partnership, a
24 list of the names and addresses of the general partners and the
25 address, including county and city or town, and street and number,
26 of the office at which is kept a list of the names and addresses of
27 the limited partners and their capital contributions, together with
28 an undertaking by the foreign limited partnership to keep such
29 records until such foreign limited partnership's registration in this
30 State is cancelled;
- 31 (7) A statement that in consideration of the issuance of a certificate of
32 authority to transact business in this State, the foreign limited
33 partnership appoints the Secretary of State of North Carolina as
34 the agent to receive service of process, notice, or demand,
35 whenever the foreign limited partnership fails to appoint or
36 maintain a registered agent in this State or whenever any such
37 registered agent cannot with reasonable diligence be found at the
38 registered office;
- 39 (8) The names and addresses including county and city or town, and
40 street and number, if any, of all of the general partners;
- 41 (9) The execution of a certificate or amendment by a general partner
42 constitutes an affirmation under the penalties of perjury that the
43 facts stated therein are true."

44 Section 56. G.S. 62-302 reads as rewritten:

1 "§ 62-302. Regulatory fee.

2 (a) Fee Imposed. -- It is the policy of the State of North Carolina to provide fair
3 regulation of public utilities in the interest of the public, as provided in G.S. 62-2.
4 The cost of regulating public utilities is a burden incident to the privilege of
5 operating as a public utility. Therefore, for the purpose of defraying the cost of
6 regulating public utilities, every public utility subject to the jurisdiction of the
7 Commission shall pay a quarterly regulatory fee, in addition to all other fees and
8 taxes, as provided in this section. The fees collected shall be used only to pay the
9 expenses of the Commission and the Public Staff in regulating public utilities in the
10 interest of the public.

11 It is also the policy of the State to provide limited oversight of certain electric
12 membership corporations as provided in G.S. 62-53. Therefore, for the purpose of
13 defraying the cost of providing the oversight authorized by G.S. 62-53 and G.S.
14 117-18.1, each fiscal year each electric membership corporation whose principal
15 purpose is to furnish or cause to be furnished bulk electric supplies at wholesale as
16 provided in G.S. 117-16 shall pay an annual fee as provided in this section.

17 (b) Public Utility Rate. --

18 (1) ~~For the 1989-90 fiscal year, the regulatory fee shall be the greater~~
19 ~~of (i) twelve hundredths percent (0.12%) of each public utility's~~
20 ~~North Carolina jurisdictional revenues for each quarter or (ii) six~~
21 ~~dollars and twenty-five cents (\$6.25) each quarter.~~

22 (2) ~~For fiscal years beginning on or after July 1, 1990, the~~ The public
23 utility regulatory fee for each fiscal year shall be the greater of (i) a
24 percentage rate, established by the General Assembly, of each
25 public utility's North Carolina jurisdictional revenues for each
26 quarter or (ii) six dollars and twenty-five cents (\$6.25) each
27 quarter.

28 When the Commission prepares its budget request for the
29 upcoming fiscal year, the Commission shall propose a percentage
30 rate of the public utility regulatory fee. For fiscal years beginning
31 in an odd-numbered year, that proposed rate shall be included in
32 the budget message the Governor submits to the General Assembly
33 pursuant to G.S. 143-11. For fiscal years beginning in an even-
34 numbered year, that proposed rate shall be included in a special
35 budget message the Governor shall submit to the General
36 Assembly. The General Assembly shall set the percentage rate of
37 the public utility regulatory fee by law.

38 The percentage rate may not exceed the amount necessary
39 to generate funds sufficient to defray the estimated cost of the
40 operations of the Commission and the Public Staff for the
41 upcoming fiscal year, including a reasonable margin for a reserve
42 fund. The amount of the reserve may not exceed the estimated cost
43 of operating the Commission and the Public Staff for the upcoming
44 fiscal year. In calculating the amount of the reserve, the General

1 Assembly shall consider all relevant factors that may affect the cost
2 of operating the Commission or the Public Staff or a possible
3 unanticipated increase or decrease in North Carolina jurisdictional
4 revenues.

5 (3) If the Commission, the Public Staff, or both experience a revenue
6 shortfall, the Commission shall implement a temporary public
7 utility regulatory fee surcharge to avert the deficiency that would
8 otherwise occur. In no event may the total percentage rate of the
9 public utility regulatory fee plus any surcharge established by the
10 Commission exceed twenty-five hundredths percent (0.25%).

11 (4) As used in this section, the term 'North Carolina jurisdictional
12 revenues' means all revenues derived or realized from intrastate
13 tariffs, rates, and charges approved or allowed by the Commission
14 or collected pursuant to Commission order or rule, but not
15 including tap-on fees or any other form of contributions in aid of
16 construction.

17 (b1) Electric Membership Corporation Rate. -- ~~For the purpose of providing the~~
18 ~~oversight authorized by G.S. 62-53 and G.S. 117-18.1, beginning with the 1999-2000~~
19 ~~fiscal year the North Carolina Electric Membership Corporation shall pay an annual~~
20 ~~flat fee to the fund established in subsection (d) of this section. The amount of the~~
21 ~~annual electric membership corporation regulatory fee for each fiscal year shall be a~~
22 ~~dollar amount as established by the General Assembly by law.~~

23 When the Commission prepares its budget request for the upcoming fiscal year, the
24 Commission shall propose the amount of the electric membership corporation
25 regulatory fee. For fiscal years beginning in an odd-numbered year, the proposed
26 amount shall be included in the budget message the Governor submits to the General
27 Assembly pursuant to G.S. 143-11. For fiscal years beginning in an even-numbered
28 year, the proposed amount shall be included in a special budget message the
29 Governor shall submit to the General Assembly.

30 The amount of the electric membership corporation regulatory fee proposed by the
31 Commission may not exceed the amount necessary to defray the estimated cost of the
32 operations of the Commission and the Public Staff for the regulation of the electric
33 membership corporations in the upcoming fiscal year, including a reasonable margin
34 for a reserve fund. The amount of the reserve may not exceed the estimated cost of
35 the Commission and the Public Staff for the regulation of the electric membership
36 corporations for the upcoming fiscal year. ~~The fee will be assessed on a quarterly~~
37 ~~basis and will be due and payable to the Commission on or before the 15th day of the~~
38 ~~second month following the end of each quarter.~~

39 (c) When Due. -- The electric membership corporation regulatory fee imposed
40 under this section shall be paid in quarterly installments. The fee is due and payable
41 to the Commission on or before the 15th day of the second month following the end
42 of each quarter.

43 The public utility regulatory fee imposed under this section, ~~except the fee~~
44 ~~imposed by subsection (b1) of this section,~~ section is due and payable to the

1 Commission on or before the 15th day of the second month following the end of each
2 quarter. Every public utility subject to the public utility regulatory fee shall, on or
3 before the date the fee is due for each quarter, prepare and render a report on a form
4 prescribed by the Commission. The report shall state the public utility's total North
5 Carolina jurisdictional revenues for the preceding quarter and shall be accompanied
6 by any supporting documentation that the Commission may by rule require. Receipts
7 shall be reported on an accrual basis.

8 If a public utility's report for the first quarter of any fiscal year shows that
9 application of the percentage rate would yield a quarterly fee of twenty-five dollars
10 (\$25.00) or less, the public utility shall pay an estimated fee for the entire fiscal year
11 in the amount of twenty-five dollars (\$25.00). If, after payment of the estimated fee,
12 the public utility's subsequent returns show that application of the percentage rate
13 would yield quarterly fees that total more than twenty-five dollars (\$25.00) for the
14 entire fiscal year, the public utility shall pay the cumulative amount of the fee
15 resulting from application of the percentage rate, to the extent it exceeds the amount
16 of fees, other than any surcharge, previously paid.

17 (d) Use of Proceeds. -- A special fund in the office of State Treasurer, the Utilities
18 Commission and Public Staff Fund, is created. The fees collected pursuant to this
19 section and all other funds received by the Commission or the Public Staff, except for
20 the clear proceeds of civil penalties collected pursuant to G.S. 62-50(d) and the clear
21 proceeds of funds forfeited pursuant to G.S. 62-310(a), shall be deposited in the
22 Utilities Commission and Public Staff Fund. The Fund shall be placed in an interest
23 bearing account and any interest or other income derived from the Fund shall be
24 credited to the Fund. Moneys in the Fund shall only be spent pursuant to
25 appropriation by the General Assembly.

26 The Utilities Commission and Public Staff Fund shall be subject to the provisions
27 of the Executive Budget Act except that no unexpended surplus of the Fund shall
28 revert to the General Fund. All funds credited to the Utilities Commission and Public
29 Staff Fund shall be used only to pay the expenses of the Commission and the Public
30 Staff in regulating public utilities in the interest of the public as provided by this
31 Chapter and in regulating electric membership corporations as provided in G.S. 117-
32 18.1.

33 The clear proceeds of civil penalties collected pursuant to G.S. 62-50(d) and the
34 clear proceeds of funds forfeited pursuant to G.S. 62-310(a) shall be remitted to the
35 Civil Penalty and Forfeiture Fund in accordance with G.S. 115C-457.2."

36 Section 57. G.S. 66-273 reads as rewritten:

37 "**§ 66-273. Prerequisites for authentication.**

38 All of the following conditions must be met before a document can be
39 authenticated:

- 40 (1) All seals and signatures must be originals.
- 41 (2) All dates must follow in chronological order on all certifications.
- 42 (3) All acknowledgments to be authenticated by the Secretary shall be
43 in English or accompanied by a certified or notarized English
44 translation.

1 (4) Whenever a copy is used, it must include a statement that it is a
2 true and accurate copy.

3 (5) Whenever a document is to be authenticated by the United States
4 Department of State, it must comply with all applicable statutes,
5 rules, and regulations of that office."

6 Section 58. G.S. 66-291 reads as rewritten:

7 "§ 66-291. Requirements.

8 (a) Any tobacco product manufacturer selling cigarettes to consumers within the
9 State (whether directly or through a distributor, retailer, or similar intermediary or
10 intermediaries) after the effective date of this Article shall do one of the following:

11 (1) Become a participating manufacturer (as that term is defined in
12 section II(jj) of the Master Settlement Agreement) and generally
13 perform its financial obligations under the Master Settlement
14 Agreement; or

15 (2) Place into a qualified escrow fund by April 15 of the year
16 following the year in question the following amounts (as such
17 amounts are adjusted for inflation):

18 a. 1999: \$.0094241 per unit sold after the effective date of this
19 Article.

20 b. 2000: \$.0104712 per unit sold.

21 c. For each of 2001 and 2002: \$.0136125 per unit sold.

22 d. For each of 2003 through 2006: \$.0167539 per unit sold.

23 e. For each of 2007 and each year thereafter: \$.0188482 per
24 unit sold.

25 (b) A tobacco product manufacturer that places funds into escrow pursuant to
26 subdivision (2) of ~~section~~ subsection (a) of this ~~subsection~~ section shall receive the
27 interest or other appreciation on such funds as earned. Such funds themselves shall
28 be released from escrow only under the following circumstances:

29 (1) To pay a judgment or settlement on any released claim brought
30 against such tobacco product manufacturer by the State or any
31 releasing party located or residing in the State. Funds shall be
32 released from escrow under this subdivision (i) in the order in
33 which they were placed into escrow and (ii) only to the extent and
34 at the time necessary to make payments required under such
35 judgment or settlement;

36 (2) To the extent that a tobacco product manufacturer establishes that
37 the amount it was required to place into escrow in a particular
38 year was greater than the State's allocable share of the total
39 payments that such manufacturer would have been required to
40 make in that year under the Master Settlement Agreement (as
41 determined pursuant to section IX(i)(2) of the Master Settlement
42 Agreement, and before any of the adjustments or offsets described
43 in section IX(i)(3) of that Agreement other than the Inflation
44 Adjustment) had it been a participating manufacturer, the excess

1 shall be released from escrow and revert back to such tobacco
2 product manufacturer; or
3 (3) To the extent not released from escrow under subdivisions (1) or
4 (2) of this subsection, funds shall be released from escrow and
5 revert back to such tobacco product manufacturer 25 years after
6 the date on which they were placed into escrow.

7 (c) Each tobacco product manufacturer that elects to place funds into escrow
8 pursuant to this section shall annually certify to the Attorney General that it is in
9 compliance with this section. The Attorney General may bring a civil action on
10 behalf of the State against any tobacco product manufacturer that fails to place into
11 escrow the funds required under this section. Any tobacco product manufacturer that
12 fails in any year to place into escrow the funds required under this section shall:

13 (1) Be required within 15 days to place such funds into escrow as shall
14 bring it into compliance with this section. The court, upon a
15 finding of a violation ~~of this subsection, either of subdivision (2) of~~
16 subsection (a) of this section of subsection (b) of this section, or of
17 this section, may impose a civil penalty (the clear proceeds of
18 which shall be paid to the Civil Penalty and Forfeiture Fund in
19 accordance with G.S. 115C-457.2) in an amount not to exceed five
20 percent (5%) of the amount improperly withheld from escrow per
21 day of the violation and in a total amount not to exceed one
22 hundred percent (100%) of the original amount improperly
23 withheld from escrow;

24 (2) In the case of a knowing violation, be required within 15 days to
25 place such funds into escrow as shall bring it into compliance with
26 this section. The court, upon a finding of a knowing violation
27 either of subdivision (2) of subsection (a) of this section, section, of
28 subsection (b) of this section, or of this section, may impose a civil
29 penalty (the clear proceeds of which shall be paid to the Civil
30 Penalty and Forfeiture Fund in accordance with G.S. 115C-457.2)
31 in an amount not to exceed fifteen percent (15%) of the amount
32 improperly withheld from escrow per day of the violation and in a
33 total amount not to exceed three hundred percent (300%) of the
34 original amount improperly withheld from escrow; and

35 (3) In the case of a second knowing violation, be prohibited from
36 selling cigarettes to consumers within the State (whether directly or
37 through a distributor, retailer, or similar intermediary) for a period
38 not to exceed two years.

39 Each failure to make an annual deposit required under this section shall constitute
40 a separate violation."

41 Section 59.(a) G.S. 85B-3.2(a) reads as rewritten:

42 "(a) Definitions. -- The following definitions shall apply in this section:

43 (1) Applicant -- An applicant for initial licensure as an ~~auctioneer.~~
44 auctioneer, apprentice auctioneer, or auction firm.

- 1 (2) Criminal history -- A State or federal history of conviction of a
2 crime, whether a misdemeanor or felony, that bears upon an
3 applicant's fitness to be licensed as an ~~auctioneer~~ auctioneer,
4 apprentice auctioneer, or auction firm."

5 Section 59.(b) G.S. 85B-3.2(d) reads as rewritten:

6 "(d) If the applicant's verified criminal history record check reveals one or more
7 convictions of a crime that is punishable as a felony offense, or the conviction of any
8 crime involving fraud or moral turpitude, the Commission may deny the applicant's
9 license. However, the conviction shall not automatically prohibit licensure, and the
10 following factors shall be considered by the Commission in determining whether
11 licensure shall be denied:

- 12 (1) The level and seriousness of the crime.
13 (2) The date of the crime.
14 (3) The age of the person at the time of the crime.
15 (4) The circumstances surrounding the commission of the crime, if
16 known.
17 (5) The nexus between the criminal conduct of the applicant and the
18 applicant's duties as an ~~auctioneer~~ auctioneer, apprentice
19 auctioneer, or auction firm.
20 (6) The prison, jail, probation, parole, rehabilitation, and employment
21 records of the applicant since the date the crime was committed.
22 (7) The subsequent commission by the person of a crime."

23 Section 59.(c) The catch line for G.S. 114-19.8 reads as rewritten:

24 "**§ 114-19.8. Criminal record checks of applicants for ~~auctioneer~~ auctioneer,**
25 **apprentice auctioneer, or auction firm license."**

26 Section 59.(d) This section becomes effective October 1, 2000, and
27 applies to applications for licensure for auctioneers, apprentice auctioneers, and
28 auction firms filed on or after that date.

29 Section 60. G.S. 90-178.3 reads as rewritten:

30 "**§ 90-178.3. Regulation of midwifery.**

31 (a) No person shall practice or offer to practice or hold oneself out to practice
32 midwifery unless approved pursuant to this Article.

33 (b) A person approved pursuant to this Article may practice midwifery in a
34 hospital or non-hospital setting and shall practice under the supervision of a
35 physician licensed to practice medicine who is actively engaged in the practice of
36 obstetrics. A registered nurse approved pursuant to this Article is authorized to write
37 prescriptions for drugs in accordance with the same conditions applicable to a nurse
38 practitioner under G.S. 90-18.2(b).

39 (c) Graduate nurse midwife applicant status may be granted by the joint
40 subcommittee in accordance with G.S. 90-178.4."

41 Section 61. The catch line of G.S. 105-40 reads as rewritten:

42 "**§ 105-40. Amusements -- Certain exhibitions, performances, and entertainments**
43 **exempt from license tax."**

44 Section 62. G.S. 105-116(d) reads as rewritten:

1 "(d) Distribution. -- Part of the taxes imposed by this section on electric power
2 ~~companies, natural gas companies, and regional natural gas districts~~ companies is
3 distributed to cities under G.S. 105-116.1."

4 Section 63.(a) G.S. 105-129.17(b) reads as rewritten:

5 "(b) Cap. -- ~~A total~~ The credits allowed in this Article may not exceed fifty
6 percent (50%) of the tax against which they are claimed for the taxable year, reduced
7 by the sum of all other credits allowed against that tax, except tax payments made by
8 or on behalf of the taxpayer. This limitation applies to the cumulative amount of
9 credit, including carryforwards, claimed by the taxpayer under this Article against
10 each tax for the taxable year. Any unused portion of the credits may be carried
11 forward for the succeeding five years."

12 Section 63.(b) G.S. 105-129.18 reads as rewritten:

13 "**§ 105-129.18. Substantiation.**

14 To claim a ~~credits~~ credit allowed by this Article, the taxpayer must provide any
15 information required by the Secretary of Revenue. Every taxpayer claiming a credit
16 under this Article must maintain and make available for inspection by the Secretary
17 of Revenue any records the Secretary considers necessary to determine and verify the
18 amount of the credit to which the taxpayer is entitled. The burden of proving
19 eligibility for a credit and the amount of the credit rests upon the taxpayer, and no
20 credit may be allowed to a taxpayer that fails to maintain adequate records or to
21 make them available for inspection."

22 Section 63.(c) G.S. 105-129.19 reads as rewritten:

23 "**§ 105-129.19. Reports.**

24 The Department of Revenue shall report to the Legislative Research Commission
25 and to the Fiscal Research Division of the General Assembly by May 1 of each year
26 the following information for the 12-month period ending the preceding April 1:

27 (1) The number of taxpayers that claimed the credits allowed in this
28 Article.

29 (2) The cost of business property and renewable energy property with
30 respect to which ~~business property~~ credits were claimed.

31 (2a) The location of each qualified North Carolina low-income building
32 with respect to which a low-income housing credit was claimed.

33 (3) The total cost to the General Fund of the credits claimed."

34 Section 64.(a) G.S. 105-130.15(a) reads as rewritten:

35 "(a) The net income of a corporation shall be computed in accordance with the
36 method of accounting it regularly ~~employed~~ employs in keeping ~~the books of such~~
37 ~~corporation, but such method of accounting must~~ its books. The method must be
38 consistent with respect to both income and ~~deductions, but if in any case such~~
39 deductions. If this method does not clearly reflect the income, the computation shall
40 be made in accordance with such method as in the opinion of the Secretary of
41 Revenue a method that, in the Secretary's opinion, does clearly reflect the income,
42 but shall follow as nearly as practicable the federal practice, unless contrary to the
43 context and intent of this Part.

1 The Secretary may ~~in his discretion~~ adopt the rules and regulations and any
2 guidelines administered or established by the Internal Revenue Service unless
3 contrary to any provisions of this Part."

4 Section 64.(b) G.S. 105-130.17(a) reads as rewritten:

5 "(a) Returns must be filed as prescribed by the Secretary at the place prescribed
6 by the Secretary. Returns must be in the form prescribed by the Secretary. The
7 Secretary shall furnish forms in accordance with G.S. 105-254, shall be in such form
8 as the Secretary of Revenue may from time to time prescribe, and shall be filed with
9 the Secretary at his office, or at any branch office which he may establish. The
10 Secretary shall cause to be prepared blank forms for the said returns, and shall cause
11 them to be distributed throughout the State, and shall furnish them upon request, but
12 failure to receive or secure the form shall not relieve any corporation from the
13 obligation of making any return herein required."

14 Section 64.(c) G.S. 105-130.18 reads as rewritten:

15 "**§ 105-130.18. Failure to file returns; supplementary returns.**

16 If the Secretary ~~of Revenue shall be of the opinion that any~~ determines that a
17 corporation has failed to file a return or to include in a return filed, either
18 intentionally or through error, items of taxable ~~income he may require of such~~
19 income, the Secretary may require from the corporation a return or supplementary
20 return, under affirmation, in such form as he shall prescribe, of all the items of
21 income which that the corporation received during the year for which the return is
22 made, whether or not taxable under this Part. If from a supplementary return or
23 otherwise the Secretary finds that any items of income, taxable under this Part, have
24 been omitted from the original return, or that any items returned as taxable that are
25 not taxable, or that any item of taxable income is overstated or understated, he may
26 require any such item to be disclosed to him the Secretary may require that the item
27 be disclosed under affirmation of the corporation, and ~~to~~ be added to or deducted
28 from the original return. ~~Such~~ The filing of a supplementary return and the
29 correction of the original return shall does not relieve the corporation from any of
30 the penalties to which it may be liable under the provisions of under G.S. 105-236.
31 The Secretary may proceed under the provisions of G.S. 105-241.1, whether or not
32 the Secretary he requires a return or a supplementary return under this section."

33 Section 65. G.S. 105-134.6(b) is amended by adding a new subdivision to
34 read:

35 "(b) Deductions. -- The following deductions from taxable income shall be made
36 in calculating North Carolina taxable income, to the extent each item is included in
37 taxable income:

38 . . .
39 (5b) The amount received during the taxable year from one or more
40 State, local, or federal government retirement plans to the extent
41 the amount is exempt from tax under this Part pursuant to a court
42 order in settlement of the following cases: Bailey v. State, 92 CVS
43 10221, 94 CVS 6904, 95 CVS 6625, 95 CVS 8230; Emory v. State,
44 98 CVS 0738; and Patton v. State, 95 CVS 04346. Amounts

1 deducted under this subdivision may not also be deducted under
2 subdivision (6) of this subsection."

3 Section 66. G.S. 105-163.44 is repealed.

4 Section 67.(a) G.S. 105-164.4(c) reads as rewritten:

5 "(c) Certificate of Registration. -- Before a person may engage in business as a
6 ~~Before a person may engage in business as a~~ retailer or a wholesale merchant, the
7 person must obtain a certificate of registration from the Department. ~~To obtain a~~
8 ~~certificate of registration, a person must register with the Department.~~

9 ~~A certificate of registration is valid unless it is revoked for failure to comply with~~
10 ~~the provisions of this Article or becomes void. A certificate issued to a retailer who~~
11 ~~makes taxable sales becomes void if, for a period of 18 months, the retailer files no~~
12 ~~returns or files returns showing no sales. Department in accordance with G.S. 105-~~
13 164.29."

14 Section 67.(b) G.S. 105-164.29 reads as rewritten:

15 "**§ 105-164.29. Application for licenses certificate of registration by wholesale**
16 **merchants and retailers.**

17 (a) Application. -- ~~Every application for a license by a wholesale merchant or~~
18 ~~retailer shall be made upon a form prescribed by the Secretary and shall set forth all~~
19 ~~information the Secretary may require. To obtain a certificate of registration, a~~
20 person must register with the Department. A wholesale merchant or retailer who has
21 more than one business is required to obtain only one certificate of registration to
22 cover all operations of the business throughout the State. An application for
23 registration must ~~The application shall be signed as follows:~~

- 24 (1) By the owner, if the owner is an individual.
25 (2) By a manager, member, or partner, if the owner is an association, a
26 partnership, or a limited liability company.
27 (3) By an executive officer or some other person specifically
28 authorized by the corporation to sign the application, if the owner
29 is a corporation. If the application is signed by a person authorized
30 to do so by the corporation, written evidence of the person's
31 authority must be attached to the application.

32 ~~A wholesale merchant or retailer whose business extends into more than one~~
33 ~~county is required to secure only one license to cover all operations of the business~~
34 ~~throughout the State.~~

35 (b) Issuance. -- ~~When the required application has been made the Secretary shall~~
36 ~~issue a license to the applicant. A license~~ A certificate of registration is not assignable
37 and is valid only for the person in whose name it is issued ~~and for the transaction of~~
38 ~~business at the place designated in the license. The license holder shall display the~~
39 ~~license conspicuously at all times at the place for which it was issued.~~ issued. A copy
40 of the certificate of registration must be displayed at each place of business.

41 (c) Reissuance. -- Term. -- A certificate of registration is valid unless it is revoked
42 for failure to comply with the provisions of this Article or becomes void. A certificate
43 issued to a retailer who makes taxable sales becomes void if, for a period of 18
44 months, the retailer files no returns or files returns showing no sales. A person whose

1 ~~license has been previously suspended or revoked shall pay the Secretary fifteen~~
2 ~~dollars (\$15.00) for the reissuance of the license. A wholesale merchant whose annual~~
3 ~~license has been previously suspended or revoked shall pay the Secretary twenty-five~~
4 ~~dollars (\$25.00) for the reissuance of the license for the remainder of the license year.~~

5 (d) Revocation. -- Whenever a license holder wholesale merchant or retailer fails
6 to comply with this Article or violates G.S. 14-401.18, the Secretary, upon hearing,
7 after giving ~~the license holder~~ 10 days' notice in writing, specifying the time and
8 place of hearing and requiring the license holder wholesale merchant or retailer to
9 show cause why the license certificate of registration should not be revoked, may
10 revoke or suspend the ~~license~~ certificate of registration. The notice may be served
11 personally or by registered mail directed to the last known address of the license
12 holder wholesale merchant or retailer. All provisions with respect to review and
13 appeals of the Secretary's decisions as provided by G.S. 105-241.2, 105-241.3, and
14 105-241.4 apply to this section.

15 ~~Any wholesale merchant or retailer who engages in business as a seller in this State~~
16 ~~without a license or after the license has been suspended or revoked, and each officer~~
17 ~~of any corporation that so engages in business shall be guilty of a Class 3~~
18 ~~misdemeanor and only subject to a fine of up to five hundred dollars (\$500.00) for~~
19 ~~each offense."~~

20 Section 67.(c) G.S. 105-164.38 reads as rewritten:

21 "**§ 105-164.38. Tax shall be is a lien.**

22 (a) The tax imposed by this Article ~~shall be~~ is a lien upon all personal property of
23 any person who is required by this Article to obtain a license certificate of
24 registration to engage in business and who stops engaging in the business by
25 transferring the business, transferring the stock of goods of the business, or going out
26 of business. A person who stops engaging in business ~~shall~~ must file the return
27 required by this Article within 30 days after transferring the business, transferring the
28 stock of goods of the business, or going out of business.

29 (b) Any person to whom the business or the stock of goods was transferred ~~shall~~
30 must withhold from the consideration paid for the business or stock of goods an
31 amount sufficient to cover the taxes due until the person selling the business or stock
32 of goods produces a statement from the Secretary showing that the taxes have been
33 paid or that no taxes are due. If the person who buys a business or stock of goods
34 fails to withhold an amount sufficient to cover the taxes and the taxes remain unpaid
35 after the 30-day period allowed, the buyer is personally liable for the unpaid taxes to
36 the extent of the greater of the following:

37 (1) The consideration paid by the buyer for the business or the stock
38 of goods.

39 (2) The fair market value of the business or the stock of goods.

40 (c) The period of limitations for assessing liability against the buyer of a business
41 or the stock of goods of a business and for enforcing the lien against the property
42 ~~shall expire~~ expires one year after the end of the period of limitations for assessment
43 against the person who sold the business or the stock of goods. Except as otherwise
44 provided in this section, a person who buys a business or the stock of goods of a

1 business and that person's liability for unpaid taxes are subject to the provisions of
2 G.S. 105-241.1, 105-241.2, 105-241.3, and 105-241.4 and to other remedies for the
3 collection of taxes to the same extent as if the person had incurred the original tax
4 liability."

5 Section 68. G.S. 105-187.6(b) reads as rewritten:

6 "(b) Partial Exemptions. -- A maximum tax of forty dollars (\$40.00) applies when
7 a certificate of title is issued as the result of a transfer of a motor vehicle:

8 (1) To a secured party who has a perfected security interest in the
9 motor vehicle.

10 (2) To a partnership, limited liability company, or corporation as an
11 incident to the formation of the partnership, limited liability
12 company, or corporation, and no gain or loss arises on the transfer
13 of the motor vehicle under section 351 or section 721 of the
14 ~~Internal Revenue Code as defined in G.S. 105-228.90, Code~~, or to
15 a partnership, limited liability company, or corporation by merger,
16 conversion, or consolidation in accordance with applicable law."

17 Section 69. G.S. 105-228.90(b) is amended by adding a new subdivision
18 to read:

19 "(2) Department. -- The Department of Revenue."

20 Section 70. G.S. 105-236(10) reads as rewritten:

21 "(10) Failure to File Informational Returns. --

22 a. Repealed by Session Laws 1998-212, s. 29A.14(m).

23 b. The Secretary may request a person who fails to file timely
24 statements of payment to another person with respect to
25 wages, dividends, rents, or interest paid to that person to file
26 the statements by a certain date. If the payer fails to file the
27 statements by that date, the amounts claimed on the payer's
28 income tax return as deductions for salaries and wages, or
29 rents or interest shall be disallowed to the extent that the
30 payer failed to comply with the Secretary's request with
31 respect to the statements.

32 c. For failure to file an informational return required by
33 Article 36C or 36D of this Chapter by the date the return is
34 due, there shall be assessed a penalty of fifty dollars
35 (\$50.00)."

36 Section 71. G.S. 105-275(40) reads as rewritten:

37 "(40) Computer software and any documentation related to the
38 computer software. As used in this subdivision, the term "computer
39 software" means any program or routine used to cause a computer
40 to perform a specific task or set of tasks. The term includes system
41 and application programs and database storage and management
42 programs.

1 The exclusion established by this subdivision does not apply to
2 computer software and its related documentation if the computer
3 software meets one or more of the following descriptions:

- 4 a. It is embedded software. "Embedded software" means
5 computer instructions, known as microcode, that reside
6 permanently in the internal memory of a computer system
7 or other equipment and are not intended to be removed
8 without terminating the operation of the computer system or
9 equipment and removing a computer chip, a circuit, or
10 another mechanical device.
- 11 b. It is purchased or licensed from a person who is unrelated to
12 the taxpayer and it is capitalized on the books of the
13 taxpayer in accordance with generally accepted accounting
14 principles, including financial accounting standards issued
15 by the Financial Accounting Standards Board. A person is
16 unrelated to a taxpayer if (i) the taxpayer and the person are
17 not subject to any common ownership, either directly or
18 indirectly, and (ii) neither the taxpayer nor the person has
19 any ownership interest, either directly or indirectly, in the
20 other.

21 **This**

22 This subdivision does not affect the value or taxable status
23 of any property that is otherwise subject to taxation under
24 this Subchapter.

25 The provisions of the exclusion established by this
26 subdivision are not severable. If any provision of this
27 subdivision or its application is held invalid, the entire
28 subdivision is repealed."

29 Section 72.(a) G.S. 105-275(41), as amended by Section 1 of S.L. 2000-2,
30 reads as rewritten:

31 "~~(41)~~ (42) A vehicle that is offered at retail for short-term lease or
32 rental and is owned or leased by an entity engaged in the
33 business of leasing or renting vehicles to the general public
34 for short-term lease or rental. For the purposes of this
35 subdivision, the term 'short-term lease or rental' shall have
36 the same meaning as in ~~G.S. 105-187.1~~. G.S. 105-187.1, and
37 the term 'vehicle' shall have the same meaning as in G.S.
38 153A-156(e) and G.S. 160A-215.1(e). A gross receipts tax as
39 set forth by G.S. 153A-156 and G.S. 160A-215.1 is
40 substituted for and replaces the ad valorem tax previously
41 levied on these vehicles."

42 Section 72.(b) G.S. 105-282.1(a) reads as rewritten:

43 "(a) Every owner of property claiming exemption or exclusion from property
44 taxes under the provisions of this Subchapter has the burden of establishing that the

1 property is entitled thereto. Except as provided below, an owner claiming exemption
2 or exclusion shall annually file an application for exemption or exclusion during the
3 listing period. If the property for which the exemption or exclusion is claimed is
4 appraised by the Department of Revenue, the application shall be filed with the
5 Department. Otherwise, the application shall be filed with the assessor of the county
6 in which the property is situated. An application must contain a complete and
7 accurate statement of the facts that entitle the property to the exemption or exclusion
8 and must indicate the municipality, if any, in which the property is located. Each
9 application filed with the Department of Revenue or an assessor shall be submitted
10 on a form approved by the Department. Application forms shall be made available by
11 the assessor and the Department, as appropriate.

12 (1) The United States government, the State of North Carolina and the
13 counties and municipalities of the State are exempted from the
14 requirement that owners file applications for exemption.

15 (2) Owners of the special classes of property excluded from taxation
16 under G.S. 105-275(5), (15), (16), (26), (31), (32a), (33), (34), ~~or~~
17 (40), or (42) or exempted under G.S. 105-278.2 are not required to
18 file applications for the exclusion or exemption of that property.

19 (3) After an owner of property entitled to exemption under G.S. 105-
20 278.3, 105-278.4, 105-278.5, 105-278.6, 105-278.7, or 105-278.8 or
21 exclusion under G.S. 105-275(3), (7), (8), (12), (17) through (19),
22 (21) or (39), G.S. 105-277.1, or G.S. 105-278 has applied for
23 exemption or exclusion and the exemption or exclusion has been
24 approved, the owner is not required to file an application in
25 subsequent years except in the following circumstances:

26 a. New or additional property is acquired or improvements are
27 added or removed, necessitating a change in the valuation of
28 the property; or

29 b. There is a change in the use of the property or the
30 qualifications or eligibility of the taxpayer necessitating a
31 review of the exemption or exclusion.

32 (4) After an owner of property entitled to exclusion under G.S. 105-
33 277.10 has applied for the exclusion and the exclusion has been
34 approved, the owner is not required to apply for the exclusion in
35 subsequent years so long as the classified property, including
36 classified property acquired after the application is approved, is
37 used or held for use directly in manufacturing or processing as part
38 of industrial machinery.

39 (5) Upon a showing of good cause by the applicant for failure to make
40 a timely application, an application for exemption or exclusion
41 filed after the close of the listing period may be approved by the
42 Department of Revenue, the board of equalization and review, the
43 board of county commissioners, or the governing body of a
44 municipality, as appropriate. An untimely application for

1 exemption or exclusion approved under this subdivision applies
2 only to property taxes levied by the county or municipality in the
3 calendar year in which the untimely application is filed."

4 Section 73. Effective January 1, 2001, G.S. 105-369(b1) reads as
5 rewritten:

6 "(b1) Notice to Owner. -- After the governing body orders the tax collector to
7 advertise the tax liens, the tax collector must send a notice to the listing owner and to
8 the record owner of each affected parcel of property, as determined as of December
9 31 of the fiscal year for which the taxes are due. The notice must be sent to each
10 owner's last known address by first-class mail at least 30 days before the date the
11 advertisement is to be published. The notice must state the principal amount of
12 unpaid taxes that are a lien on the parcel to be advertised and inform the owner that
13 the names of the listing owner and the record owner ~~listing owner that his or her~~
14 ~~name~~ will appear in a newspaper advertisement of delinquent taxes if the taxes are
15 not paid before the publication date. Failure to mail the notice required by this
16 section to the correct listing owner or record owner does not affect the validity of the
17 tax lien or of any foreclosure action."

18 Section 74. G.S. 105-449.37(a)(1a) reads as rewritten:

19 "(1a) Motor vehicle. -- A motor vehicle as defined in G.S. ~~105-164.3(8e);~~
20 105-164.3 other than special mobile equipment as defined in G.S.
21 ~~105-164.3(16b);~~ 105-164.3."

22 Section 75.(a) G.S. 105-330.1(b) reads as rewritten:

23 "(b) Exceptions. -- The following motor vehicles are not classified under
24 subsection (a) of this section:

- 25 (1) Motor vehicles exempt from registration pursuant to G.S. 20-51.
- 26 (2) Manufactured homes, mobile classrooms, and mobile offices.
- 27 (3) Semitrailers or trailers registered on a multiyear basis.
- 28 (4) Motor vehicles owned or leased by a public service company and
29 appraised under G.S. 105-335.
- 30 (5) ~~"U-drive-it" passenger vehicles registered under G.S. 20-87(2)."~~

31 Section 75.(b) G.S. 153A-156, as enacted by Section 2 of S.L. 2000-2,
32 reads as rewritten:

33 "**§ 153A-156. Gross receipts tax on short-term leases or rentals.**

34 (a) As a substitute for and in replacement of the ad valorem tax, which is excluded
35 by G.S. ~~105-275(41);~~ 105-275(42), a county may levy a gross receipts tax on the gross
36 receipts from the short-term lease or rental of vehicles at retail to the general public.
37 The tax rate shall not exceed one and one-half percent (1.5%) of the gross receipts
38 from such short-term leases or rentals.

39 (b) If a county enacts the substitute and replacement gross receipts tax pursuant to
40 this section, any entity required to collect the tax shall include a provision in each
41 retail short-term lease or rental agreement noting that the percentage amount enacted
42 by the county of the total lease or rental price, excluding sales highway use tax, is
43 being charged as a tax on gross receipts. For purposes of this section, the transaction
44 giving rise to the tax shall be deemed to have occurred at the location of the entity

1 from which the customer takes delivery of the vehicle. The tax shall be collected at
2 the time of lease or rental and placed in a segregated account until remitted to the
3 county.

4 (c) The collection and use of taxes under this section are not subject to ~~sales~~
5 highway use tax and are not included in the gross receipts of the entity. The
6 proceeds collected under this section belong to the county and are not subject to
7 creditor liens against the entity.

8 (d) A tax levied under this section shall be collected by the county but otherwise
9 administered in the same manner as the tax levied under G.S. 105-164.4(a)(2).

10 (e) The following definitions apply in this section:

11 (1) Vehicle. -- Any of the following:

12 a. A motor vehicle of the ~~private~~ passenger type, including a
13 passenger van, minivan, or sport utility vehicle.

14 b. A motor vehicle of the cargo type, including cargo van,
15 pickup truck, or truck with a gross vehicle weight of 26,000
16 pounds or less used predominantly in the transportation of
17 property for other than commercial freight and that does not
18 require the operator to possess a commercial drivers license.

19 c. A trailer or semitrailer with a gross vehicle weight of 6,000
20 pounds or less.

21 (2) Short-term lease or rental. -- Defined in G.S. 105-187.1(4).

22 (f) The penalties and remedies that apply to local sales and use taxes levied under
23 Subchapter VIII of ~~this~~ Chapter 105 of the General Statutes apply to a tax levied
24 under this section. The county board of commissioners may exercise any power the
25 Secretary of Revenue may exercise in collecting local sales and use taxes."

26 Section 75.(c) G.S. 160A-215.1, as enacted by Section 3 of S.L. 2000-2,
27 reads as rewritten:

28 "**§ 160A-215.1. Gross receipts tax on short-term leases or rentals.**

29 (a) As a substitute for and in replacement of the ad valorem tax, which is excluded
30 by G.S. ~~105-275(41)~~, 105-275(42), a city may levy a gross receipts tax on the gross
31 receipts from the short-term lease or rental of vehicles at retail to the general public.
32 The tax rate shall not exceed one and one-half percent (1.5%) of the gross receipts
33 from such short-term leases or rentals. This tax on gross receipts is in addition to the
34 privilege taxes authorized by G.S. 160A-211.

35 (b) If a city enacts the substitute and replacement gross receipts tax pursuant to
36 this section, any entity required to collect the tax shall include a provision in each
37 retail short-term lease or rental agreement noting that the percentage amount enacted
38 by the city of the total lease or rental price, excluding ~~sales~~ highway use tax, is being
39 charged as a tax on gross receipts. For purposes of this section, the transaction giving
40 rise to the tax shall be deemed to have occurred at the location of the entity from
41 which the customer takes delivery of the vehicle. The tax shall be collected at the
42 time of lease or rental and placed in a segregated account until remitted to the city.

43 (c) The collection and use of taxes under this section are not subject to ~~sales~~
44 highway use tax and are not included in the gross receipts of the entity. The

1 proceeds collected under this section belong to the city and are not subject to
2 creditor liens against the entity.

3 (d) A tax levied under this section shall be collected by the city but otherwise
4 administered in the same manner as the tax levied under G.S. 105-164.4(a)(2).

5 (e) The following definitions apply in this section:

6 (1) Vehicle. -- Any of the following:

7 a. A motor vehicle of the ~~private~~ passenger type, including a
8 passenger van, minivan, or sport utility vehicle.

9 b. A motor vehicle of the cargo type, including cargo van,
10 pickup truck, or truck with a gross vehicle weight of 26,000
11 pounds or less used predominantly in the transportation of
12 property for other than commercial freight and that does not
13 require the operator to possess a commercial drivers license.

14 c. A trailer or semitrailer with a gross vehicle weight of 6,000
15 pounds or less.

16 (2) Short-term lease or rental. -- Defined in G.S. 105-187.1.

17 (f) The penalties and remedies that apply to local sales and use taxes levied under
18 Subchapter VIII of ~~this~~ Chapter 105 of the General Statutes apply to a tax levied
19 under this section. The governing body of the city may exercise any power the
20 Secretary of Revenue may exercise in collecting local sales and use taxes."

21 Section 75.(d) This section becomes effective July 1, 2000.

22 Section 76.(a) G.S. 113B-2 reads as rewritten:

23 **"§ 113B-2. Creation of Energy Policy Council; purpose of Council.**

24 (a) There is hereby created a council to advise and make recommendations on
25 energy policy to the Governor and the General Assembly to be known as the Energy
26 Policy Council which shall be located within the Department of ~~Commercee-~~
27 Administration.

28 (b) Except as otherwise provided in this Chapter, the powers, duties and functions
29 of the Energy Policy Council shall be as prescribed by the Secretary of ~~Commercee-~~
30 Administration.

31 (c) The Energy Policy Council shall serve as the central energy policy planning
32 body of the State and shall communicate and cooperate with federal, State, regional
33 and local bodies and agencies to the end of effecting a coordinated energy policy."

34 Section 76.(b) G.S. 113B-6 reads as rewritten:

35 **"§ 113B-6. General duties and responsibilities.**

36 The Energy Policy Council shall have the following general duties and
37 responsibilities:

38 (1) To develop and recommend to the Governor a comprehensive
39 long-range State energy policy to achieve maximum effective
40 management and use of present and future sources of energy, such
41 policy to include but not be limited to an energy ~~conservation~~
42 plan, efficiency program, an energy management plan, an
43 emergency energy program, and an energy research and
44 development program;

- 1 (2) To conduct an ongoing assessment of the opportunities and
2 constraints presented by various uses of all forms of energy and to
3 encourage the efficient use of all such energy forms in a manner
4 consistent with State energy policy;
- 5 (3) To continually review and coordinate all State government
6 research, education and management programs relating to energy
7 matters and to continually educate and inform the general public
8 regarding such energy matters;
- 9 (4) To recommend to the Governor and to the General Assembly
10 needed energy legislation and to recommend for implementation
11 such modifications of energy policy, plans and programs as the
12 Council considers necessary and desirable."

13 Section 76.(c) G.S. 113B-7 reads as rewritten:

14 "**§ 113B-7. Energy ~~Conservation Plan~~; Efficiency Program; components.**

15 (a) The Energy Policy Council shall prepare a recommended Energy ~~Conservation~~
16 ~~Plan~~ Efficiency Program for transmittal to the Governor, the initial plan to be
17 completed by January 30, 1976.

18 (b) The Energy ~~Conservation Plan~~ Efficiency Program shall be designed to assure
19 the public health and safety of the people of North Carolina and to encourage and
20 promote conservation of energy through reducing wasteful, inefficient or
21 uneconomical uses of energy resources.

22 (c) The Energy ~~Conservation Plan~~ Efficiency Program shall include but not be
23 limited to the following recommendations:

- 24 (1) Recommendations to the Building Code Council for lighting,
25 insulation, climate control systems and other building design and
26 construction standards which increase the efficient use of energy
27 and are economically feasible to implement;
- 28 (2) Recommendations to the Building Code Council for per unit
29 energy requirement allotments based upon square footage for
30 various classes of buildings which would reduce energy
31 consumption, yet are both technically and economically feasible
32 and not injurious to public health and safety;
- 33 (3) Recommendations for minimum levels of operating efficiency for
34 all appliances whose use requires a significant amount of energy
35 based upon both technical and economic feasibility considerations;
- 36 (4) Recommendations for State government purchases of supplies,
37 vehicles and equipment and such operating practices as will make
38 possible more efficient use of energy;
- 39 (5) Recommendations on energy conservation policies, programs and
40 procedures for local units of government;
- 41 (6) Any other recommendations which the Energy Policy Council
42 considers to be a significant part of a statewide conservation effort
43 and which include provisions for sufficient incentives to further
44 energy conservation;

1 (7) An economic and environmental impact analysis of the
2 recommended ~~plan~~ program.

3 (d) In addition to specific conservation recommendations, the Energy ~~Conservation~~
4 ~~Plan~~ Efficiency Program shall contain proposals for implementation of such
5 recommendations as can be carried out by executive order. Upon completion of a
6 draft recommended ~~plan~~, program, the Council shall arrange for its distribution to
7 interested parties and shall make ~~such plan~~ the program available to the public and
8 the Council further shall set a date for public hearing on said ~~plan~~ program.

9 (e) Upon completion of the Energy ~~Conservation Plan~~, Efficiency Program, the
10 Council shall transmit said ~~plan~~, program, to be known as the State Energy
11 ~~Conservation Plan~~, Efficiency Program, to the Governor for approval or disapproval.
12 Upon approval, the Governor shall assign administrative responsibility for such
13 implementation as can be carried out by executive order to appropriate agencies of
14 State government, and submit to the General Assembly such proposals which require
15 legislative action for implementation. The Governor shall have the authority to
16 accept, administer, and enforce federal programs, program measures and permissive
17 delegations of authority delegated to the Governor by the President of the United
18 States, Congress, or the United States Department of Energy, on behalf of the State of
19 North Carolina, which pertain to the conservation of energy resources.

20 (f) The Governor shall transmit the approved Energy ~~Conservation Plan~~ Efficiency
21 Program to the President of the Senate, to the Speaker of the House of
22 Representatives, to the heads of all State agencies and shall further seek to publicize
23 such plan and make it available to all units of local government and to the public at
24 large.

25 (g) At least every two years and whenever such changes take place as would
26 significantly affect energy supply or demand in North Carolina, the Energy Policy
27 Council shall review and, if necessary, revise the Energy ~~Conservation Plan~~,
28 Efficiency Program, transmitting such revised plan to the Governor pursuant to the
29 procedures contained in subsections (e) and (f) of this section."

30 Section 76.(d) G.S. 113B-11 reads as rewritten:

31 "**§ 113B-11. Powers and authority.**

32 (a) The Energy Policy Council is authorized to secure directly from any officer,
33 office, department, commission, board, bureau, institution and other agency of the
34 State and its political subdivisions any information it deems necessary to carry out its
35 functions; and all such officers and agencies shall cooperate with the Council and, to
36 the extent permitted by law, furnish such information to the Council as it may
37 request.

38 (b) To assure the adequate development of relevant energy information, as
39 provided in G.S. 113B-10, the Council may require all energy producers and major
40 energy consumers, as determined by the Council, to file such reports and forecasts
41 and at such dates as the Council may request; provided, however, that the Council
42 may request only specific energy-related information which it deems necessary to
43 carry out its duties as defined in Articles 1 and 2 of this Chapter.

1 (c) The Council shall have authority to apply for and utilize grants, contributions
2 and appropriations in order to carry out its duties as defined in Articles 1 and 2 of
3 this Chapter, provided, however, that all such applications and requests are made
4 through and administered by the Department of ~~Commerce~~ Administration.

5 (d) The Council shall have authority to request said Department to allocate and
6 dispense any funds made available to the Council for energy research and related
7 work efforts in such a manner as the Council desires subject only to the stipulation
8 that said funds be reasonably used in furtherance of the purposes of this Article.

9 (e) The Energy Division of the Department of ~~Commerce~~ Administration shall
10 provide the staffing capability to the Energy Policy Council so as to fully and
11 effectively develop recommendations for a comprehensive State energy policy as
12 contained in the provisions of this Article. The Utilities Commission is hereby
13 authorized to make its staff available to the Council to assist in the development of a
14 State energy policy."

15 Section 76.(e) G.S. 114-4.2D reads as rewritten:

16 "**§ 114-4.2D. Employment of attorney for Energy Division of Department of**
17 **~~Commerce~~ Administration.**

18 The Attorney General shall assign an attorney on his staff to work full time with
19 the Energy Division of the Department of ~~Commerce~~ Administration. Such attorney
20 shall be subject to all provisions of Chapter 126 of the General Statutes relating to
21 the State Personnel System. Such attorney shall also perform such additional duties as
22 may be assigned to him by the Attorney General."

23 Section 76.(f) G.S. 143-64.11 reads as rewritten:

24 "**§ 143-64.11. Definitions.**

25 For purposes of this Article:

26 ...

27 (2a) "Energy Division" means the Energy Division of the Department
28 of ~~Commerce~~ Administration."

29 Section 76.(g) G.S. 143-64.12 reads as rewritten:

30 '**§ 143-64.12. Authority and duties of State agencies.**

31 (a) The General Assembly authorizes and directs that State agencies shall carry
32 out the construction and renovation of State facilities, under their jurisdiction in such
33 a manner as to further the policy declared herein, insuring that life-cycle cost
34 analyses and energy-conservation practices are considered and are employed
35 whenever feasible and practicable.

36 (b) ~~The Department of Administration, in consultation with the Energy Division,~~
37 Energy Division shall, to the extent feasible and practicable, develop and implement
38 policies, procedures, and standards to ensure that State purchasing practices improve
39 energy efficiency and take the cost of the product over the economic life of the
40 product into consideration. ~~The Department of Administration, in consultation with~~
41 ~~the Energy Division,~~ Energy Division shall adopt and implement Building Energy
42 Design Guidelines. These guidelines shall include energy-use goals and standards,
43 economic assumptions for life-cycle cost analysis, and other criteria on building
44 systems and technologies. The Department of Administration shall modify the design

1 criteria for construction and renovation of facilities to require that a life-cycle cost
2 analysis be conducted pursuant to G.S. 143-64.15. The Department of
3 Administration, as part of the Facilities Condition and Assessment Program, shall
4 identify and recommend energy conservation maintenance and operating procedures
5 that are designed to reduce energy consumption within the facility and that require
6 no significant expenditure of funds. State departments, institutions, or agencies shall
7 implement these recommendations. Where energy management equipment is
8 proposed for State facilities, the maximum interchangeability and compatibility of
9 equipment components shall be required.

10 The Energy Division shall develop a comprehensive energy management program
11 for State government. Each State agency shall develop and implement an energy
12 management plan that is consistent with the State's comprehensive energy
13 management program.

14 (c)-(g) Repealed by Session Laws 1993, c. 334, s. 4."

15 Section 76.(h) G.S. 143-341 reads as rewritten:

16 "**§ 143-341. Powers and duties of Department.**

17 The Department of Administration has the following powers and duties:

18 . . .
19 (11) Energy Division. -- To exercise those powers and perform those
20 duties prescribed in Article 1 of Chapter 113B and Part 1 of
21 Article 3B of Chapter 143 of the General Statutes and Parts 2 and
22 3 of this Article."

23 Section 76.(i) G.S. 143-334 through G.S. 143-345.9 are designated 'Part
24 1. General Provisions.' of Article 36 of Chapter 143 of the General Statutes.

25 Section 76.(j) Article 36 of Chapter 143 of the General Statutes, as
26 amended by subsection (a) of this section, is further amended by adding new parts to
27 read:

28 "Part 2. Energy Division.

29 "§ 143-345.11. Energy Division.

30 There is hereby created in the Department of Administration a division to be
31 known as the Energy Division.

32 "§ 143-345.12. Organization.

33 The Division shall be organized and shall have such powers, duties and functions
34 as prescribed by the Secretary of Administration.

35 "§ 143-345.13. Reporting of stocks of coal and petroleum fuels.

36 The Energy Division may, with the prior express approval of the Energy Policy
37 Council and the Governor, require that all coal and petroleum suppliers in North
38 Carolina supplying coal, motor gasoline, middle distillates, residual oils and propane
39 for resale within the State file with the Energy Division, on forms prepared by the
40 Energy Division, accurate reports as to the stocks of coal and petroleum products and
41 storage capacities maintained by the supplier, including the supplier's current
42 inventory and stock of coal, motor gasoline, middle distillates, residual oils and
43 propane, the expected time such supplies will last under ordinary distribution
44 demand and the schedule for receiving additional or replacement stocks. The reports

1 and the information contained therein shall be proprietary information available only
2 to regular employees of the Energy Division, except that aggregate tables or schedules
3 consolidating information from the reports may be released if they do not reveal
4 individual report data for any named supplier. It is further the intent of this section
5 that no information shall be required from coal and petroleum suppliers, that is, at
6 the time the reports are requested, already on file with any agency, commission, or
7 department of State government.

8 It is the intent of this section that the reports be filed only at such times as the
9 Energy Policy Council and the Governor determine that an energy crisis as defined in
10 G.S. 113B-20 exists or may be imminent.

11 If any petroleum or coal supplier fails to file the accurate reports as may be
12 required by this section for more than 10 days after the date on which any such
13 report is due, the Secretary of Administration is authorized and empowered to
14 petition the district court, Division of the General Court of Justice, in the county in
15 which the principal office or place of business of the supplier is located for a
16 mandatory injunction compelling the supplier to file the report.

17 "§ 143-345.14. Authority to collect data; administration and enforcement;
18 confidentiality.

19 (a) The Energy Division shall have the authority to obtain from prime suppliers of
20 petroleum products specific petroleum supply data concerning State-level sales and
21 projected sales by month for North Carolina that is currently reported on the federal
22 Form EIA-782C, "Monthly Report of Petroleum Products Sold in States for
23 Consumption" or its successor, at such time that these data requirements are not
24 being met through any federal reporting procedure. The petroleum products subject
25 to this reporting requirement are: finished gasoline (all grades), #1 distillate,
26 kerosene, #2 fuel oil, #2 diesel fuel, aviation gasoline (finished), kerosene-type jet
27 fuel, naphtha-type jet fuel, #4 fuel, residual fuel oil (less than or equal to one
28 percent sulfur), residual fuel oil (greater than one percent sulfur), propane (consumer
29 grade). The authority to collect energy data from suppliers of petroleum products
30 into North Carolina, that is granted to the Energy Division in this section, shall be
31 limited to the petroleum volume data that is reported on the Form EIA-782C or its
32 successor.

33 (b) "Prime suppliers" shall be defined as those suppliers which make the first sale
34 of the named product into North Carolina, excluding jobbers, distributors, and retail
35 dealers.

36 (c) The Energy Division shall adopt rules and regulations for the administration of
37 this data collection program and the Attorney General and the law enforcement
38 authorities of the State and its political subdivisions shall enforce the provisions of
39 this section and all orders, rules, and regulations promulgated thereunder. Any
40 enforcement action may be brought upon the relation of the Energy Division or the
41 direction of the Attorney General.

42 (d) Any person or corporation who willfully refuses to provide the petroleum
43 supply data in accordance with the conditions described herein, or who knowingly or

1 willfully submits false information in any reports required herein or refuses to file any
2 reports shall be guilty of a Class 1 misdemeanor.

3 (e) Any civil action brought to enforce the provisions of this section shall be
4 brought in the Superior Court of Wake County or in the superior court of the county
5 in which the acts or practices constituting a violation occurred or are occurring.

6 (f) The Energy Division shall keep confidential any individually identifiable
7 energy information to the extent necessary to comply with the confidentiality
8 requirements of the reporting agency, and any such information shall not be subject
9 to the public disclosure requirements of G.S. 132-6. 'Individually identifiable energy
10 information' shall be defined as any individual record or portion of a record or
11 aggregated data containing energy information about a person or persons obtained
12 from any source, the disclosure of which could reasonably be expected to reveal
13 information about a specific person.

14 "Part 3. Business Energy Improvement Program.

15 "§ 143-345.16. Short title.

16 This Part shall be known as the Business Energy Improvement Program.

17 "§ 143-345.17. Legislative findings and purpose.

18 The General Assembly finds and declares that it is in the best interest of the
19 citizens of North Carolina to promote and encourage energy efficiency within the
20 State's industrial and commercial base in order to conserve energy, promote
21 economic competitiveness, and expand employment in the State.

22 "§ 143-345.18. Lead agency; powers and duties.

23 (a) For the purposes of this Part, the Division of Energy of the Department of
24 Administration is designated as the lead State agency in matters pertaining to
25 industrial and commercial energy conservation.

26 (b) The Division shall have the following powers and duties with respect to this
27 Part:

28 (1) To provide industrial and commercial concerns doing business in
29 North Carolina with information and assistance in undertaking
30 energy conserving capital improvement projects to enhance
31 industrial and commercial capacity.

32 (2) To establish a revolving fund within the Division for the purpose
33 of providing secured loans in amounts not greater than five
34 hundred thousand dollars (\$500,000) per business entity to install
35 energy-efficient capital improvements within businesses located
36 within or translocating to North Carolina. In providing these loans,
37 priority shall be given to businesses already located in the State.

38 (3) To work with appropriate State and federal agencies to develop
39 and implement rules and regulations to facilitate this program.

40 (c) The annual interest rate charged for the use of the funds from the revolving
41 fund established pursuant to subdivision (b)(2) of this section shall be one-half of the
42 90-day rate for United States Treasury Bills, not to exceed five percent (5%) per
43 annum, excluding other fees required for loan application review and origination.

1 The term of any loan originated under this section may not be greater than seven
2 years.

3 (d) In accordance with the terms of the Stripper Well Settlement, administrative
4 expenses for activities under this section shall be limited to five percent (5%) of funds
5 appropriated for this purpose."

6 Section 76.(k) G.S. 143B-433 reads as rewritten:

7 "**§ 143B-433. Department of Commerce -- organization.**

8 The Department of Commerce shall be organized to include:

9 (1) The following agencies:

- 10 a. The North Carolina Alcoholic Beverage Control
- 11 Commission.
- 12 b. The North Carolina Utilities Commission.
- 13 c. The Employment Security Commission.
- 14 d. The North Carolina Industrial Commission.
- 15 e. State Banking Commission.
- 16 f. Savings and Loan Association Division.
- 17 g. The State Savings Institutions Commission.
- 18 h. Credit Union Commission.
- 19 i. The North Carolina Milk Commission.
- 20 j. The North Carolina Mutual Burial Association Commission.
- 21 k. North Carolina Cemetery Commission.
- 22 l. The North Carolina Rural Electrification Authority.
- 23 m. Repealed by Session Laws 1985, c. 757, s. 179(d).
- 24 n. North Carolina Science and Technology Research Center.
- 25 o. The North Carolina State Ports Authority.
- 26 p. North Carolina National Park, Parkway and Forests
- 27 Development Council.
- 28 q. Economic Development Board.
- 29 r. Labor Force Development Council.
- 30 ~~s. Energy Policy Council.~~
- 31 ~~t. Energy Division.~~
- 32 u. Navigation and Pilotage Commissions established by
- 33 Chapter 76 of the General Statutes.
- 34 v. Repealed by Session Laws 1993, c. 321, s. 313b.

35 (2) Those agencies which are transferred to the Department of
36 Commerce including the:

- 37 a. Community Assistance Division.
- 38 b. Community Development Council.
- 39 c. Employment and Training Division.
- 40 d. Job Training Coordinating Council.

41 (3) Such divisions as may be established pursuant to Article 1 of this
42 Chapter."

43 Section 76.(l) Parts 8 and 14 of Article 10 of Chapter 143B of the
44 General Statutes are repealed.

1 Section 76.(m) This section become effective September 30, 2000.

2 Section 77. G.S. 115C-47(18), as amended by Section 8.18(b) of S.L.
3 2000-67, reads as rewritten:

4 "(18) To Make Rules Concerning the Conduct and Duties of
5 Personnel. -- Local boards of education, upon the
6 recommendation of the superintendent, shall have full power to
7 make all just and needful rules and regulations governing the
8 conduct of teachers, principals, and supervisors, the kind of
9 reports they shall make, and their duties in the care of school
10 property.

11 Prior to the beginning of each school year, each local board of
12 education shall identify all reports, including local school
13 required reports, that are required at the local level for the
14 school year and shall, to the maximum extent possible, eliminate
15 any duplicate or obsolete reporting requirements. No additional
16 reports shall be required at the local level after the beginning of
17 the school year without the prior approval of the local board of
18 education.

19 Each local board of education shall appoint a person or
20 establish a paperwork control committee to monitor all reports
21 and other paperwork ~~produced by or~~ required of teachers by the
22 central office."

23 Section 78. Part 3 of Article 2 of Chapter 143B of the General Statutes is
24 repealed.

25 Section 79.(a) G.S. 143B-434.1 reads as rewritten:

26 "**§ 143B-434.1. The North Carolina Travel and Tourism Board -- creation, duties,**
27 **membership.**

28 (a) There is created within the Department of Commerce the North Carolina
29 Travel and Tourism Board. The Secretary of Commerce and the Director of the
30 Division of ~~Travel and Tourism~~ Tourism, Film, and Sports Development will work
31 with the Board to fulfill the duties and requirements set forth in this section, and to
32 promote the sound development of the travel and tourism industry in North Carolina.

33 (b) The function and duties of the Board shall be:

- 34 (1) To advise the Secretary of Commerce in the formulation of policy
35 and priorities for the promotion and development of travel and
36 tourism in the State.
- 37 (2) To advise the Secretary of Commerce in the development of a
38 budget for the Division of ~~Travel and Tourism~~ Tourism, Film, and
39 Sports Development.
- 40 (3) To recommend programs to the Secretary of Commerce that will
41 promote the State as a travel and tourism destination and that will
42 develop travel and tourism opportunities throughout the State.
- 43 (4) To advise the Secretary of Commerce every three months as to the
44 effectiveness of agencies with which the Department has contracted

- 1 for advertising and regarding the selection of an advertising agency
2 that will assist the Department in the promotion of the State as a
3 travel and tourism destination.
- 4 (5) To name a three-member subcommittee, with one member from
5 each of the eastern, central, and western regions of the State, to
6 make recommendations to the Secretary of Commerce regarding
7 any revisions in the matching funds tourism grants program,
8 project applications, and criteria for projects that qualify for
9 participation in the program.
- 10 (6) To advise the Secretary of Commerce from time to time as to the
11 effectiveness of the overall operations of the Division of ~~Travel and~~
12 ~~Tourism~~ Tourism, Film, and Sports Development.
- 13 (7) To promote the exchange of ideas and information on travel and
14 tourism between State and local governmental agencies, and
15 private organizations and individuals.
- 16 (8) To advise the Secretary of Commerce upon any matter that the
17 Secretary, Governor, or Director of the Division of ~~Travel and~~
18 ~~Tourism~~ Tourism, Film, and Sports Development may refer to it.
- 19 (c) The Board shall consist of 27 members as follows:
- 20 (1) The Secretary of Commerce, who shall not be a voting member.
- 21 (2) The Director of the Division of ~~Travel and Tourism~~, Tourism,
22 Film, and Sports Development, who shall not be a voting member.
- 23 (3) Two members designated by the Board of Directors of the North
24 Carolina Hotel and Motel Association.
- 25 (4) Two members designated by the Board of Directors of the North
26 Carolina Restaurant Association.
- 27 (5) Three Directors of Convention and Visitor Bureaus designated by
28 the Board of Directors of the North Carolina Association of
29 Convention and Visitor Bureaus.
- 30 (6) The Chairperson of the Travel and Tourism Coalition.
- 31 (7) The President of the Travel Council of North Carolina.
- 32 (8) A member designated by the Board of Directors of the Travel
33 Council of North Carolina.
- 34 (9) The President of North Carolina Citizens for Business and
35 Industry.
- 36 (10) One member designated by the North Carolina Petroleum
37 Marketers Association.
- 38 (11) One person associated with tourism attractions in North Carolina,
39 appointed by the Speaker of the House of Representatives. One
40 person who is not a member of the General Assembly, appointed
41 by the Speaker of the House of Representatives.
- 42 (12) One person associated with the tourism-related transportation
43 industry, appointed by the President Pro Tempore of the Senate.

- 1 One person who is not a member of the General Assembly,
2 appointed by the President Pro Tempore of the Senate.
- 3 (13) Four public members each interested in matters relating to travel
4 and tourism, two appointed by the Governor (one from a rural
5 area and one from an urban area), one appointed by the Speaker
6 of the House, and one appointed by the President Pro Tempore of
7 the Senate.
- 8 (14) One member associated with the major cultural resources and
9 activities of the State in North Carolina, appointed by the
10 Governor.
- 11 (15) Two members of the House of Representatives, appointed by the
12 Speaker of the House of Representatives.
- 13 (16) Two members of the Senate, appointed by the President Pro
14 Tempore of the Senate.
- 15 (d) The members of the Board shall serve the following terms: the Secretary of
16 Commerce, the Director of the Division of ~~Travel and Tourism~~, Tourism, Film, and
17 Sports Development, the Chairperson of the Travel and Tourism Coalition, the
18 President of the Travel Council of North Carolina, and the President of North
19 Carolina Citizens for Business and Industry shall serve on the Board while they hold
20 their respective offices. Each member of the Board appointed by the Governor shall
21 serve during his or her term of office. The members of the Board appointed by the
22 General Assembly shall serve two-year terms beginning on January 1 of odd-
23 numbered years and ending on December 31 of the following year. The first such
24 term shall begin on January 1, 1991, or as soon thereafter as the member is appointed
25 to the Board, and end on December 31, 1992. All other members of the Board shall
26 serve a term which consists of the portion of calendar year 1991 that remains
27 following their appointment or designation and, thereafter, two-year terms which
28 shall begin on January 1 of an even-numbered year and end on December 31 of the
29 following year. The first such two-year term shall begin on January 1, 1992, and end
30 on December 31, 1994.
- 31 (e) No member of the Board, except a member serving by virtue of his or her
32 office, shall serve during more than five consecutive calendar years, except that a
33 member shall continue to serve until his or her successor is appointed.
- 34 (f) Appointments to fill vacancies in the membership of the Board that occur due
35 to resignation, dismissal, death, or disability of a member shall be for the balance of
36 the unexpired term and shall be made by the same appointing authority that made
37 the initial appointment.
- 38 (g) Board members who are employees of the State shall receive travel allowances
39 at the rate set forth in G.S. 138-6. Board members who are legislators shall be
40 reimbursed for travel and subsistence in accordance with G.S. 120-3.1. All other
41 Board members, except those serving pursuant to subdivisions (3) through (10) of
42 subsection (c) of this section, shall receive per diem, subsistence, and travel expenses
43 at the rate set forth in G.S. 138-5. Board members serving pursuant to subdivisions
44 (3) through (10) of subsection (c) of this section shall not receive per diem,

1 subsistence, or travel expenses. The expenses set forth in this section shall be paid by
2 the Division of ~~Travel and Tourism~~ Tourism, Film, and Sports Development of the
3 Department of Commerce.

4 (h) At its first meeting in 1991, the Board shall elect one of its voting members to
5 serve as Chairperson during calendar year 1991. At its last regularly scheduled
6 meeting in 1991, and at its last regularly scheduled meeting in each year thereafter,
7 the Board shall elect one of its voting members to serve as Chairperson for the
8 coming calendar year. No person shall serve as Chairperson during more than three
9 consecutive calendar years. The Chairperson shall continue to serve until his or her
10 successor is elected.

11 (i) A majority of the current voting membership shall constitute a quorum.

12 (j) The Secretary of Commerce shall provide clerical and other services as
13 required by the Board."

14 Section 79.(b) G.S. 143B-434.2(d) reads as rewritten:

15 "(d) The Department of Commerce, and the Division of ~~Travel and Tourism~~
16 Tourism, Film, and Sports Development within that Department, shall implement the
17 policies set forth in this section. The Division of ~~Travel and Tourism~~ Tourism, Film,
18 and Sports Development shall make an annual report to the General Assembly
19 regarding the status of the travel and tourism industry in North Carolina; the report
20 shall be submitted to the General Assembly by January 15 of each year beginning
21 January 15, 1992. The duties and responsibilities of the Department of Commerce
22 through the Division of ~~Travel and Tourism~~ Tourism, Film, and Sports Development
23 shall be to:

- 24 (1) Organize and coordinate programs designed to promote tourism
25 within the State and to the State from other states and foreign
26 countries.
- 27 (2) Measure and forecast tourist volume, receipts, and impact, both
28 social and economic.
- 29 (3) Develop a comprehensive plan to promote tourism to the State.
- 30 (4) Encourage the development of the State's tourism infrastructure,
31 facilities, services, and attractions.
- 32 (5) Cooperate with neighboring states and the federal government to
33 promote tourism to the State from other countries.
- 34 (6) Develop opportunities for professional education and training in
35 the tourism industry.
- 36 (7) Provide advice and technical assistance to local public and private
37 tourism organizations in promoting tourism to the State.
- 38 (8) Encourage cooperation between State agencies and private
39 individuals and organizations to advance the State's tourist
40 interests and seek the views of these agencies and the private sector
41 in the development of State tourism programs and policies.
- 42 (9) Give leadership to all concerned with tourism in the State.
- 43 (10) Perform other functions necessary to the orderly growth and
44 development of tourism.

1 (11) Develop informational materials for visitors which, among other
2 things, shall:

3 a. Describe the State's travel and tourism resources and the
4 State's history, economy, political institutions, cultural
5 resources, outdoor recreational facilities, and principal
6 festivals.

7 b. Urge visitors to protect endangered species, natural
8 resources, archaeological artifacts, and cultural treasures.

9 c. Instill the ethic of stewardship of the State's natural
10 resources.

11 (12) Foster an understanding among State residents and civil servants of
12 the economic importance of hospitality and tourism to the State.

13 (13) Work with local businesses, including banks and hotels, with
14 educational institutions, and with the United States Travel and
15 Tourism Administration, to provide special services for
16 international visitors, such as currency exchange facilities.

17 (14) Encourage the reduction of architectural and other barriers which
18 impede travel by physically handicapped persons."

19 Section 79.(c) The Revisor of Statutes shall change the term "Division of
20 Travel and Tourism" to "Division of Tourism, Film, and Sports Development"
21 wherever it appears in the General Statutes.

22 Section 80. G.S. 159-13(b)(6) reads as rewritten:

23 "(6) The estimated percentage of collection of property taxes shall not
24 be greater than the percentage of the levy actually realized in cash
25 as of June 30 during the preceding fiscal year. For purposes of the
26 calculation under this subdivision only, the levy for the registered
27 motor vehicle tax under Article ~~22C~~ 22A of Chapter 105 of the
28 General Statutes shall be based on the nine-month period ending
29 March 31 of the preceding fiscal year, and the collections realized
30 in cash with respect to this levy shall be based on the ~~twelve~~
31 ~~month~~ 12-month period ending June 30 of the preceding fiscal
32 year."

33 Section 81. G.S. 163-132.1(d) reads as rewritten:

34 "(d) Freezing of Precincts. --

35 (1) Notwithstanding the provisions of G.S. 163-132.3, after the
36 Executive Secretary-Director approves the precincts in accordance
37 with subsection (c) of this section and before January 2, 2002, no
38 county board of elections may establish, alter, discontinue, or
39 create any precinct except by division of one precinct into two or
40 more precincts using lines that the Census Bureau has indicated it
41 will use as 2000 Census block boundaries for that division.
42 Provided that, whenever an annexation ordinance adopted under
43 Parts 1, 2, or 3 of Article 4A of Chapter 160A of the General
44 Statutes, or a local act of the General Assembly annexing property

1 to a municipality, becomes effective during the period beginning
2 with the date of the annexation as reported through the U.S.
3 Census Bureau's 1998 Boundary and Annexation Survey or a
4 subsequent edition of that survey and ending January 2, 2002, and
5 any part of the boundary of the area being annexed which is
6 actually contiguous to the city is also a precinct boundary for
7 elections administered by the county board of elections then the
8 county board of elections may exercise one of the following
9 options:

- 10 (1) a. Direct by resolution that the annexed area is automatically
11 moved into the 'city precinct', provided that if the annexed
12 area is adjacent to more than one city precinct, the board of
13 elections shall place the area in any one or more of the
14 adjacent city precincts.
- 15 (2) b. Adopt a resolution moving the precinct boundary to a
16 ~~visible feature line~~ that the Census Bureau has indicated it
17 will use as a 2000 block boundary.
- 18 (2) The Executive Secretary-Director of the State Board of Elections
19 may permit during the freeze a correction to a county's precincts
20 as they were approved pursuant to subsection (c) of this section
21 where one of the following sets of conditions is present:
- 22 a. A precinct was designated pursuant to subsection (c)
23 inaccurately, and the United States Bureau of the Census
24 agrees to include the corrected precinct on its database for
25 the 2000 Census.
- 26 b. The boundary of a precinct designated pursuant to
27 subsection (c) of this section was subsequently removed by
28 the United States Bureau of the Census as an acceptable
29 feature for a precinct line based upon a determination by
30 the Bureau that the feature did not exist as shown, and the
31 county board of elections agrees by resolution to an
32 alternative boundary for the precinct on a feature the
33 Bureau does find acceptable.
- 34 (3) The county board of elections shall submit any proposed change
35 made during the freeze under this subsection to the Legislative
36 Services Office, which shall review the proposal and write a letter
37 advising the Executive Secretary-Director of its opinion as to the
38 legal compliance of the proposal. If the proposal complies with the
39 law, the Executive Secretary-Director shall approve the proposal.
40 No newly created or altered precinct boundary is effective until
41 approved by the Executive Secretary-Director as being in
42 compliance with the provisions of this subsection."

43 Section 82. G.S. 163-278.5 reads as rewritten:

44 "§ 163-278.5. Scope of Article; severability.

1 The provisions of this Article apply to primaries and elections for North Carolina
2 offices and to North Carolina referenda and do not apply to primaries and elections
3 for federal offices or offices in other States. States or to non-North Carolina
4 referenda. Any provision in this Article that regulates a non-North Carolina entity
5 does so only to the extent that the entity's actions affect elections for North Carolina
6 ~~offices.~~ offices or North Carolina referenda.

7 The provisions of this Article are severable. If any provision is held invalid by a
8 court of competent jurisdiction, the invalidity does not affect other provisions of the
9 Article that can be given effect without the invalid provision."

10 Section 83. G.S. 163-278.39A(a) reads as rewritten:

11 "(a) Expanded Disclosure Requirements. -- ~~In addition to the basic disclosure~~
12 ~~requirements in G.S. 163-278.39, any~~ Any political campaign advertisement on radio
13 or television shall comply with the expanded disclosure requirements set forth in this
14 section. To the extent that it provides the same information required by G.S. 163-
15 278.39, a statement made pursuant to this section satisfies the requirements of G.S.
16 163-278.39 for the same advertisement."

17 Section 84. G.S. 163-278.39A(i) reads as rewritten:

18 "(i) No Criminal Liability. -- Nothing in this section regarding the disclosure
19 requirements in subsections (b) and (c) of this section shall be relied upon or
20 otherwise interpreted to create criminal ~~liability for any person.~~ liability."

21 Section 85. Section 14 of S.L. 1998-22 reads as rewritten:

22 "Section 14. (a) Notwithstanding G.S. 105-187.44(b), as enacted by this act, the
23 amount distributed to a city under G.S. 105-187.44(b) for taxes collected for each of
24 the quarters in the ~~fiscal year~~ 1999-2000 and 2000-2001 fiscal years may not exceed its
25 benchmark amount until each city receives an amount equal to its benchmark
26 amount. Each quarter, the Secretary of Revenue shall determine a city's benchmark
27 amount and the amount it would receive under G.S. 105-187.44(b) if not for the
28 redistribution required by this section. The Secretary shall identify those cities whose
29 distribution amounts under G.S. 105-187.44(b) are less than their benchmark amounts
30 and shall determine the total dollar amount of the shortfall. The Secretary shall
31 reduce the amount to be distributed to those cities whose distribution amount under
32 G.S. 105-187.44(b) exceeds their benchmark amount by the total dollar amount of the
33 shortfall determined for that quarter in proportion to each city's excess. However, in
34 no event may a city's distribution amount be reduced below its benchmark amount.
35 The Secretary will redistribute these monies to the cities whose distribution amounts
36 under G.S. 105-187.44(b) are less than their benchmark amounts in proportion to
37 each city's shortfall. In any quarter that a city does not have a prior year's
38 distribution for the corresponding quarter in fiscal year 1998-99, that city is excluded
39 from the redistribution required under this section for that quarter. In that case, the
40 city will receive the amount it is entitled to receive under G.S. 105-187.44(b), as
41 enacted by this act.

42 For the purposes of this subsection, the term 'benchmark amount' means the
43 amount a city received under G.S. 105-116.1 attributable to piped natural gas for the
44 corresponding quarter during the fiscal year 1998-99.

1 (b) The Department of Revenue must calculate the amount a city received for
2 taxes collected for each of the ~~first three~~ quarters in fiscal year 1998-99 under G.S.
3 105-116.1 that was attributable to piped natural gas. The Department must also
4 calculate the amount each city would have received under G.S. 105-187.44(b), as
5 enacted by this act, for taxes collected for each of the ~~first three~~ quarters in fiscal year
6 1999-2000. The Department shall give this information to the Revenue Laws Study
7 Committee. The Revenue Laws Study Committee shall study the impact of this act
8 on the distribution of part of the proceeds of the excise tax on piped natural gas to
9 the cities and report its findings, and any recommendation, to the ~~2000 Session of the~~
10 ~~1999 2001~~ General Assembly."

11 Section 86. Subsection 17.12(c) of S.L. 1999-237 reads as rewritten:

12 "Section 17.12(c) The Governor shall appoint a superior court judge for the
13 additional judgeship in Superior Court District 22 as authorized by subsection (b) of
14 this section. The successor to that judge shall be elected in the 2000 general election
15 to serve the ~~remainder of the unexpired~~ term expiring December 31, ~~2002, in order~~
16 ~~to provide for unstaggered terms for multiple judgeships in the same district. 2008.~~"

17 Section 87. Section 3 of S.L. 1999-321 is repealed.

18 Section 88. Section 33 of S.L. 1999-360 reads as rewritten:

19 "Section 33. Affordable Housing Credit. -- Part III of this act is effective for taxable
20 years beginning on or after January 1, ~~2000, and applies 2000. Sections 10 through 15~~
21 of Part III apply to buildings to which federal credits are allocated on or after January
22 1, 2000."

23 Section 89. Section 1 of S.L. 2000-64 reads as rewritten:

24 "Section 1. ~~S.L. 1993-205, Chapter 205 of the 1993 Session Laws~~, as amended by
25 S.L. 1999-285, is repealed."

26 Section 90.(a) Section 21 of S.L. 2000-67 reads as rewritten:

27 "Requested by: Representatives Jeffus, Wainwright, Easterling, Redwine, Edwards,
28 Senators Warren, Lucas, Rand, Albertson, Robinson, Plyler, Perdue, Odom, Kerr
29 **NATIONAL WORLD WAR II MEMORIAL FUNDS**

30 Section 21. Of the funds appropriated in this act to the Department of
31 Administration for the 2000-2001 fiscal year, the sum of three hundred ninety-two
32 thousand dollars (\$392,000) shall be used by the Division of Veterans Affairs to fund
33 the voluntary contribution of the State toward the construction of the National World
34 War II Memorial in Washington, D.C."

35 Section 90.(b) Section 26.12A(a)(2) of S.L. 2000-67 reads as rewritten:

36 "(2) Who was, on or before April 1, 2000, a permanent officer or
37 permanent employee and who was in service on October 1, 2000,
38 shall receive, payable for the last pay date in October 2000, a
39 compensation bonus of five hundred dollars (\$500.00) except that:

40 a. The compensation bonus for persons subject to Section
41 26.10 of this act shall be an average of five hundred dollars
42 (\$500.00) and shall be allocated in accordance with
43 guidelines adopted by the State Board of Community

1 ~~Colleges, except for teaching faculty at the community~~
 2 ~~colleges. Colleges.~~

3 b. The compensation bonus for persons subject to Section
 4 26.11 of this act shall be an average of five hundred dollars
 5 (\$500.00) and shall be allocated to individuals according to
 6 the rules adopted by the Board of Governors, or the Board
 7 of Trustees of the North Carolina School of Science and
 8 ~~Mathematics, except for teaching faculty of the UNC System~~
 9 ~~as appropriate. Mathematics.~~

10 c. The guidelines and rules adopted under sub-subdivisions a.
 11 and b. of this subdivision may cover employees of those
 12 institutions whose first day of employment for the 2000-2001
 13 academic year came after January 1, 2000."

14 Section 90.(c) Section 11.6.(b) of S.L. 2000-67 reads as rewritten:

15 "Section 11.6.(b) Section 11.22(g) of S.L. 1999-237 is repealed."

16 Section 90.(d) The introductory language of Section 11.8.(a) of S.L.
 17 2000-67 reads as rewritten:

18 "Section 11.8.(a) ~~G.S. 108A-70.18(8)~~ G.S. 108A-70.18 reads as rewritten:"

19 Section 90.(d) The introductory language of Section 11.33.(b) of S.L.
 20 2000-67 reads as rewritten:

21 "Section 11.33.(b) Subsection (m) of Section ~~4532~~ 15.32 of S.L. 1997-443, as
 22 amended by subsection (c) of Section 11.58 of S.L. 1999-237, reads as rewritten:"

23 Section 90.(e) Section 15.11(a) of S.L. 1997-443, as amended by Section
 24 15.3 of S.L. 1999-237 and Section 13.5 of S.L. 2000-67, reads as rewritten:

25 "(a) The funds placed in a reserve account in the Department of ~~Health and~~
 26 ~~Human Services~~ Environment, Health, and Natural Resources pursuant to Section
 27 26.3(c) of Chapter 507 of the 1995 Session Laws shall not revert until June 30, 2001.
 28 Those funds are reallocated as follows:

- 29 (1) Five hundred four thousand five hundred sixty dollars (\$504,560)
 30 to the Stokes County Water and Sewer Authority, Inc., for the
 31 Germanton Water Project.
- 32 (2) Nine hundred thirty thousand six hundred eighty dollars
 33 (\$930,680) to the Stokes County Water and Sewer Authority, Inc.,
 34 for the Walnut Cove/Industrial Site Connection Project.
- 35 (3) Eighty thousand dollars (\$80,000) to the Stokes County Water and
 36 Sewer Authority, Inc., for the Dan River Project.
- 37 (4) Thirty thousand dollars (\$30,000) to the Department of
 38 Environment, Health, and Natural Resources for the Limestone
 39 Creek small watershed project in Duplin County.
- 40 (5) Three hundred forty thousand six hundred forty dollars (\$340,640)
 41 to the Department of Environment, Health, and Natural Resources
 42 for the Deep Creek small watershed project in Yadkin County."

43 Section 91. If House Bill 813, 1999 General Assembly, becomes law, the
 44 introductory language of Section 1 of the bill reads as rewritten:

1 "Section 1. ~~Article 35~~ Article 26 of Chapter 14 is amended by adding a new
2 section to read:"

3 Section 92. If House Bill 979 becomes law, G.S. 30-3.2(d)(5) as enacted
4 by House Bill 979 reads as rewritten:

5 "(5) The value of any property which would be included in the taxable
6 estate of the decedent pursuant to sections 2033, 2035, 2036, 2037,
7 2038, 2039, ~~2040, or 2042~~ or 2040 of the Code."

8 Section 92.A.(a) If House Bill 1560, 1999 General Assembly, becomes
9 law, the introductory language of subsection (c) of Section 5 of that bill reads as
10 rewritten:

11 "Section 5.(c) G.S. 105-129.4(a) through (b1), as amended by Section ~~41~~ 8 of this
12 act, read as rewritten:"

13 Section 92.A.(b) If House Bill 1560, 1999 General Assembly, becomes
14 law, subsection (g) of Section 10 of that bill reads as rewritten:

15 "Section 10.(g) Modify Credit and Expiration Provisions. -- Section ~~41~~ 8 of this act
16 is effective for taxable years beginning on or after January 1, 2000."

17 Section 92.A.(c) If House Bill 1560, 1999 General Assembly, becomes
18 law, subsection (h) of Section 10 of that bill reads as rewritten:

19 "Section 10.(h) Technical Correction. -- Section ~~42~~ 9 of this act becomes effective
20 May 1, 1999, and applies to taxes paid on or after that date. Section 12 is repealed
21 for taxes paid on or after January 1, 2008."

22 Section 92.1(a). If House Bill 1218 becomes law, Section 2.1 of House
23 Bill 1218 is rewritten to read:

24 "Section 2.1. Section 3 of S.L. 1997-337, as amended by Section 55.2B of S.L.
25 1997-456, reads as rewritten:

26 "Section 3. This act is effective when it becomes law, expires ~~1 July 2000~~, upon
27 the adoption by the Coastal Resources Commission of a temporary rule to establish
28 use standards for waterfront development in urban areas, and applies to permits
29 granted and applications submitted prior to ~~1 July 2000~~, the adoption of that rule.
30 Any permits granted or applications issued prior to ~~July 1, 2000~~ the adoption of the
31 rule shall be transferable."

32 Section 92.1(b). If House Bill 1218 becomes law, Section 2.2 of House
33 Bill 1218 reads as rewritten:

34 "Section 2.2. ~~The Notwithstanding~~ G.S. 150B-21.3(a) and 26 NCAC 2C.0102(11),
35 the Coastal Resources Commission shall shall, no later than its next regularly
36 scheduled meeting, adopt a temporary rule providing for and governing urban to
37 establish use standards for waterfront redevelopment in historically development in
38 urban areas. The temporary rule shall provide for an exception to the current
39 regulatory requirement of a 30-foot setback along public trust and estuarine waters
40 for municipalities subject to Article 7 of Chapter 113A of the General Statutes. The
41 temporary rule shall become effective 1 April 2001 upon its adoption by the
42 Commission and shall remain in effect until a permanent rule that replaces the
43 temporary rule becomes effective.'

44 Section 92.2.(a) G.S. 90-89(4) reads as rewritten:

1 "(4) Any material compound, mixture, or preparation which contains
2 any quantity of the following substances having a depressant effect
3 on the central nervous system, including its salts, isomers, and salts
4 of isomers whenever the existence of such salts, isomers, and salts
5 of isomers is possible within the specific chemical designation,
6 unless specifically excepted or unless listed in another schedule:

- 7 a. Mecloqualone.
8 b. Methaqualone.
9 c. Gamma hydroxybutyric acid; Some other names: GHB,
10 gamma-hydroxybutyrate, 4-hydroxybutyrate,
11 4-hydroxybutanoic acid; sodium oxybate; sodium
12 oxybutyrate.'

13 Section 92.2.(b) G.S. 90-91 is amended by adding a new subsection to
14 read:

15 "(m) Any drug product containing gamma hydroxybutyric acid, including its salts,
16 isomers, and salts of isomers, for which an application is approved under section 505
17 of the Federal Food, Drug, and Cosmetic Act."

18 Section 92.2.(c) G.S. 90-92(a) reads as rewritten:

19 "(a) This schedule includes the controlled substances listed or to be listed by
20 whatever official name, common or usual name, chemical name, or trade name
21 designated. In determining that a substance comes within this schedule, the
22 Commission shall find: a low potential for abuse relative to the substances listed in
23 Schedule III of this Article; currently accepted medical use in the United States; and
24 limited physical or psychological dependence relative to the substances listed in
25 Schedule III of this Article. The following controlled substances are included in this
26 schedule:

27 (1) Depressants. -- Unless specifically excepted or unless listed in
28 another schedule, any material, compound, mixture, or preparation
29 which contains any quantity of the following substances, including
30 its salts, isomers, and salts of isomers whenever the existence of
31 such salts, isomers, and salts of isomers is possible within the
32 specific chemical designation:

- 33 a. Alprazolam.
34 b. Barbital.
35 c. Bromazepam.
36 d. Camazepam.
37 e. Chloral betaine.
38 f. Chloral hydrate.
39 g. Chlordiazepoxide.
40 h. Clobazam.
41 i. Clonazepam.
42 j. Clorazepate.
43 k. Clotiazepam.
44 l. Cloxazolam.

- 1 m. Delorazepam.
- 2 n. Diazepam.
- 3 o. Estazolam.
- 4 p. Ethchlorvynol.
- 5 q. Ethinamate.
- 6 r. Ethyl loflazepate.
- 7 s. Fludiazepam.
- 8 t. Flunitrazepam.
- 9 u. Flurazepam.
- 10 ~~v. Gamma Hydroxybutyric Acid.~~
- 11 w. Halazepam.
- 12 x. Haloxazolam.
- 13 y. Ketazolam.
- 14 z. Loprazolam.
- 15 aa. Lorazepam.
- 16 bb. Lormetazepam.
- 17 cc. Mebutamate.
- 18 dd. Medazepam.
- 19 ee. Meprobamate.
- 20 ff. Methohexital.
- 21 gg. Methylphenobarbital (mephobarbital).
- 22 hh. Midazolam.
- 23 ii. Nimetazepam.
- 24 jj. Nitrazepam.
- 25 kk. Nordiazepam.
- 26 ll. Oxazepam.
- 27 mm. Oxazolam.
- 28 nn. Paraldehyde.
- 29 oo. Petrichloral.
- 30 pp. Phenobarbital.
- 31 qq. Pinazepam.
- 32 rr. Prazepam.
- 33 ss. Quazepam.
- 34 tt. Temazepam.
- 35 uu. Tetrazepam.
- 36 vv. Triazolam.
- 37 ww. Zolpidem.

(2) Any material, compound, mixture, or preparation which contains any of the following substances, including its salts, or isomers and salts of such isomers, whenever the existence of such salts, isomers, and salts of isomers is possible:

- 42 a. Fenfluramine.
- 43 b. Pentazocine.

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- (3) Stimulants. -- Unless specifically excepted or unless listed in another schedule, any material, compound, mixture, or preparation which contains any quantity of the following substances having a stimulant effect on the central nervous system, including its salts, isomers (whether optical, position, or geometric), and salts of such isomers whenever the existence of such salts, isomers, and salts of isomers is possible within the specific chemical designation:
- a. Diethylpropion.
 - b. Mazindol.
 - c. Pemoline (including organometallic complexes and chelates thereof).
 - d. Phentermine.
 - e. Cathine.
 - f. Fencamfamin.
 - g. Fenproporex.
 - h. Mefenorex.
 - i. Sibutramine.
- (4) Other Substances. -- Unless specifically excepted or unless listed in another schedule, any material, compound, mixture or preparation which contains any quantity of the following substances, including its salts:
- a. Dextropropoxyphene (Alpha-(plus)-4-dimethylamino-1, 2-diphenyl-3-methyl-2-propionoxybutane).
 - b. Pipradrol.
 - c. SPA ((-)-1-dimethylamino-1, 2-diphenylethane).
 - d. Butorphanol.
- (5) Narcotic Drugs. -- Unless specifically excepted or unless listed in another schedule, any material, compound, mixture, or preparation containing limited quantities of any of the following narcotic drugs, or any salts thereof:
- a. Not more than 1 milligram of difenoxin and not less than 25 micrograms of atropine sulfate per dosage unit.
 - b. Buprenorphine.
- Section 92.2.(d) G.S. 90-95(d2) reads as rewritten:
- "(d2) The immediate precursor chemicals to which subsection (d1) of this section applies are those immediate precursor chemicals designated by the Commission pursuant to its authority under G.S. 90-88, and the following (until otherwise specified by the Commission):
- (1) Anhydrous ammonia.
 - (1a) Anthranilic acid.
 - (2) Benzyl cyanide.
 - (3) Chloroephedrine.
 - (4) Chloropseudoephedrine.
 - (5) D-lysergic acid.

- 1 (6) Ephedrine.
- 2 (7) Ergonovine maleate.
- 3 (8) Ergotamine tartrate.
- 4 (9) Ethyl Malonate.
- 5 (10) Ethylamine.
- 6 (10a) Iodine.
- 7 (11) Isosafrole.
- 8 (11a) Lithium.
- 9 (12) Malonic acid.
- 10 (13) Methylamine.
- 11 (14) N-acetylanthranilic acid.
- 12 (15) N-ethylephedrine.
- 13 (16) N-ethylepseudoephedrine.
- 14 (17) N-methylephedrine.
- 15 (18) N-methylpseudoephedrine.
- 16 (19) Norpseudoephedrine.
- 17 (20) Phenyl-2-propane.
- 18 (21) Phenylacetic acid.
- 19 (22) Phenylpropanolamine.
- 20 (23) Piperidine.
- 21 (24) Piperonal.
- 22 (25) Propionic anhydride.
- 23 (26) Pseudoephedrine.
- 24 (27) Pyrrolidine.
- 25 (27a) Red phosphorous.
- 26 (28) Safrole.
- 27 (28a) Sodium.
- 28 (29) Thionylchloride.
- 29 (30) Gamma-butyrolactone.

30 Section 92.2.(e)5. This section act becomes effective 1 December 2000
31 and applies to offenses committed on or after that date. Prosecutions for offenses
32 occurring before the effective date of this act are not abated or affected by this act,
33 and the statutes that would be applicable for this act remain applicable to those
34 prosecutions.

35 Section 93. G.S. 90-624 is amended by adding a new subsection to read:
36 "(8) A person employed by one contracting with a not-for-profit
37 community service organization giving massage and body work
38 therapy only to persons of the same gender as the person who is
39 giving the massage and bodywork therapy and who are members of
40 that not-for-profit community service organization."

41 Section 93.(a) Effective July 1, 2000, the phrase 'Office of State Budget
42 and Management' is deleted and replaced by the phrase 'Office of State Budget,
43 Planning, and Management' wherever it occurs in each of the following General
44 Statutes:

- 1 7A-113. Bookkeeping and accounting systems equipment.
2 18B-1009. In-stand sales.
3 20-7. Issuance and renewal of drivers licenses.
4 58-6-25. Insurance regulatory charge.
5 58-85A-1. Creation of Fund; allocation to local fire districts and political
6 subdivisions of the State.
7 96-4. Administration.
8 96-35. Reports on common follow-up system activities.
9 97-80. Rules and regulations; subpoena of witnesses; examination of
10 books and records; depositions; costs.
11 105-130.5. Adjustments to federal taxable income in determining State net
12 income.
13 105-134.6. Adjustments to taxable income.
14 105-262. Rules.
15 108A-27.8. Standard Program Counties -- Duties of Department.
16 115C-457.1. Creation of Fund; administration.
17 115C-457.2. Remittance of moneys to the Fund.
18 115C-457.3. Transfer of funds to the State School Technology Fund.
19 115C-546.1. Creation of Fund; administration.
20 115D-31. State financial support of institutions.
21 116-220. Establishment and administration of self-insurance trust funds;
22 rules and regulations; defense of actions against covered persons;
23 application of § 143-300.6.
24 120-30.45. Fiscal note on legislation.
25 120-30.49. Compiling federal mandates; annual report.
26 120-36.8. Certification of legislation required by federal law.
27 120-131.1. Requests from legislative employees for assistance in the
28 preparation of fiscal notes.
29 120-166. Additional criteria; nearness to another municipality.
30 122A-16. Oversight by committees of General Assembly; annual reports.
31 122C-112. Powers and duties of the Secretary.
32 122C-185. Application of funds belonging to State facilities.
33 131D-4.2. Adult care homes; family care homes; annual cost reports;
34 exemptions; enforcement.
35 131E-13. Lease or sale of hospital facilities to or from for-profit or
36 nonprofit corporations or other business entities by municipalities
37 and hospital authorities.
38 135-39.3. Oversight team.
39 138-6. Travel allowances of State officers and employees.
40 138-8. Moving expenses of State employees.
41 143-1. Scope and definitions.
42 143-2. Purposes.
43 143-4. (For applicability see note) Advisory Budget Commission.
44 143-6. Information from departments and agencies asking State aid.

1	143-6.1.	Report on use of State funds by non-State entities.
2	143-10.1A.	Same -- Continuation and expansion costs.
3	143-10.2.	Limit on number of State employees.
4	143-10.3.	Strategic planning process.
5	143-10.4.	Departmental operations plans.
6	143-10.5.	Development of performance measures for major programs.
7	143-10.7.	Review of department forms and reports.
8	143-12.1.	Vending facilities.
9	143-15.4.	General Fund operating budget size limited.
10	143-19.	Help for Director.
11	143-20.1.	Annual financial statements.
12	143-27.	Appropriations to educational, charitable and correctional institutions are in addition to receipts by them.
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14	143-28.1.	Highway Fund appropriation.
15	143-31.1.	Study and review of plans and specifications for building, improvement, etc., projects.
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17	143-34.2.	Information as to requests for nonstate funds for projects imposing obligation on State; statement of participation in contracts, etc., for nonstate funds; limiting clause required in certain contracts or grants.
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21	143-34.41.	Legislative intent; purpose.
22	143-34.43.	Capital improvement needs criteria.
23	143-34.44.	Agency capital improvement needs estimates.
24	143-138.	North Carolina State Building Code.
25	143-215.94P.	Groundwater Protection Loan Fund.
26	143-345.24.	Incentive Bonus Review Committee.
27	143B-133.1.	Powers of Commission.
28	143B-336.1.	Special Zoo Fund.
29	143B-426.39.	Powers and duties of the State Controller.
30	143B-472.41.	Information Resource Management Commission.
31	143B-472.64.	Financial reporting and accountability for information technology investments and expenditures.
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33	146-30.	Application of net proceeds.
34	147-86.22.	Statewide accounts receivable program.
35	150B-21.	Agency must designate rule-making coordinator; duties of coordinator.
36		
37	150B-21.4.	Fiscal notes on rules.
38	150B-21.9.	Standards and timetable for review by Commission.
39	150B-21.28.	Role of the Office of State Budget and Management.
40	153A-230.1.	Definitions.
41	153A-230.2.	Creation of Satellite Jail/Work Release Unit Fund.
42	153A-230.5.	Satellite jails/work release units built with non-State funds.
43	159I-25.	Disbursement.
44	159I-28.	Rules.

- 1 159I-29. Annual reports to Joint Legislative Commission on Governmental
2 Operations.
- 3 160A-486. Estimates of population.
- 4 Section 93.(b) Effective July 1, 2000, the phrase 'Office of State
5 Planning' is deleted and replaced by the phrase 'Office of State Budget, Planning,
6 and Management' wherever it occurs in each of the following General Statutes:
- 7 7A-101. Compensation.
- 8 47-30. Plats and subdivisions; mapping requirements.
- 9 62A-25. Use of funds.
- 10 Section 93.(c) Effective July 1, 2000, the phrase 'State Budget Office' is
11 deleted and replaced by the phrase 'Office of State Budget, Planning, and
12 Management' wherever it occurs in each of the following General Statutes:
- 13 143B-472.41. Information Resource Management Commission.
- 14 163-132.5. Cooperation of State and local agencies.
- 15 Section 93.(d) G.S. 96-31 reads as rewritten:
- 16 **"§ 96-31. Definitions.**
- 17 As used in this Article, unless the context clearly requires otherwise, the term:
- 18 (1) "CFS" means the common follow-up information management
19 system developed by the Employment Security Commission of
20 North Carolina as authorized under this Article.
- 21 (2) "ESC" means the Employment Security Commission of North
22 Carolina.
- 23 ~~(3) "OSBM" means the Office of State Budget and Management.~~
- 24 (4) "State job training, education, and placement program" or "State-
25 funded program" means a program operated by a State or local
26 government agency or entity and supported in whole or in part by
27 State or federal funds, that provides job training and education or
28 job placement services to program participants. The term does not
29 include on-the-job training provided to current employees of the
30 agency or entity for the purposes of professional development.'
- 31 Section 93.(e) G.S. 96-32 reads as rewritten:
- 32 **"§ 96-32. Common follow-up information management system created.**
- 33 (a) The Employment Security Commission of North Carolina shall develop,
34 implement, and maintain a common follow-up information management system for
35 tracking the employment status of current and former participants in State job
36 training, education, and placement programs. The system shall provide for the
37 automated collection, organization, dissemination, and analysis of data obtained from
38 State-funded programs that provide job training and education and job placement
39 services to program participants. In developing the system, the ESC shall ensure that
40 data and information collected from State agencies is confidential, not open for
41 general public inspection, and maintained and disseminated in a manner that protects
42 the identity of individual persons from general public disclosure.
- 43 (b) The ESC in consultation with ~~OSBM~~ the Office of State Budget, Planning,
44 and Management shall adopt procedures and guidelines for the development and
45 implementation of the CFS authorized under this section.
- 46 (c) Based on data collected under the CFS, the ~~Office of State Budget and~~
47 Management Office of State Budget, Planning, and Management shall evaluate the
48 effectiveness of job training, education, and placement programs to determine if
49 specific program goals and objectives are attained, to determine placement and
50 completion rates for each program, and to make recommendations regarding the

1 continuation of State funding for programs evaluated. The ESC shall provide to
 2 ~~OSBM the Office of State Budget, Planning, and Management~~ data collected under
 3 the CFS in a manner and with the frequency necessary for the ~~Office of State Budget~~
 4 ~~and Management Office of State Budget, Planning, and Management~~ to conduct the
 5 evaluation required under this subsection. The ESC shall consult with ~~OSBM the~~
 6 ~~Office of State Budget, Planning, and Management~~ to determine the most efficient
 7 and effective method for providing to ~~OSBM the Office of State Budget, Planning,~~
 8 ~~and Management~~ data collected under the CFS. The ~~OSBM Office of State Budget,~~
 9 ~~Planning, and Management~~ shall maintain the same levels of confidentiality with
 10 respect to CFS data received from the ESC as is required of the ESC under this
 11 Article. ~~OSBM shall coordinate with the Office of State Planning to determine what~~
 12 ~~data will be collected to support the State planning and budgetary process."~~

13 Section 93.(f) G.S. 143-3.5(a) reads as rewritten:

14 "(a) It shall be the duty of the Director, through the ~~Office of State Budget and~~
 15 ~~Management and the Office of State Planning Office of State Budget, Planning, and~~
 16 ~~Management~~ to coordinate the efforts of governmental agencies in the collection,
 17 development, dissemination and analysis of official economic, demographic and social
 18 statistics pertinent to State budgeting. The Director shall:

- 19 (1) Prepare and release the official demographic and economic
 20 estimates and projections for the State;
- 21 (2) Conduct special economic and demographic analyses and studies
 22 to support statewide budgeting;
- 23 (3) Develop and coordinate cooperative arrangements with federal,
 24 State and local governmental agencies to facilitate the exchange of
 25 data to support State budgeting;
- 26 (4) Compile, maintain, and disseminate information about State
 27 programs which involve the distribution of State aid funds to local
 28 governments including those variables used in their allocation;
- 29 (5) Develop and maintain in cooperation with other State and local
 30 governmental agencies, an information system providing
 31 comparative data on resources and expenditures of local
 32 governments; and
- 33 (6) Report major trends that influence revenues and expenditures in
 34 the State budget in the current fiscal year and that may influence
 35 revenues and expenditures over the next five fiscal years.

36 Every fiscal analysis prepared by the Director or the ~~Office of State Budget and~~
 37 ~~Management Office of State Budget, Planning, and Management~~ addressing the State
 38 budget outlook shall encompass the upcoming five-year period. Every fiscal analysis
 39 prepared by the Director or the ~~Office of State Budget and Management Office of~~
 40 ~~State Budget, Planning, and Management~~ addressing the impact of proposed
 41 legislation on the State budget shall estimate the impact for the first five fiscal years
 42 the legislation would be in effect. To minimize duplication of effort in collecting or
 43 developing new statistical series pertinent to State planning and budgeting, including
 44 contractual arrangements, State agencies must submit to the Director proposed
 45 procedures and funding requirements."

46 Section 93.(g) G.S. 143B-372.3(b) reads as rewritten:

47 "(b) The ~~Office of State Budget and Management and the Office of State Planning~~
 48 ~~Office of State Budget, Planning, and Management~~ shall also provide support,
 49 information, reports, and other assistance to the North Carolina Progress Board as
 50 requested."

51 Section. 93.(h) G.S. 143B-472.52(b) reads as rewritten:

52 "(b) The Office shall coordinate with the ~~Office of State Budget and Management~~
 53 ~~and the Office of State Planning the Office of State Budget, Planning, and~~

1 Management to integrate agency strategic and business planning, technology planning
2 and budgeting, and project expenditure processes into the Office's information
3 technology portfolio-based management. The Office shall provide recommendations
4 for agency annual budget requests for information technology investments, projects,
5 and initiatives to the ~~Office of State Budget and Management.~~ Office of State
6 Budget, Planning, and Management."

7 Section 93.(i) The Revisor of Statutes shall change the term 'Office of
8 State Budget and Management' to 'Office of State Budget, Planning, and
9 Management' wherever it occurs in the General Statutes, except in G.S. 143-3.1.

10 Section 93.(j) The Revisor of Statutes shall change the term 'OSBM' to
11 'Office of State Budget, Planning, and Management' wherever it occurs in the
12 General Statutes.

13 Section 93.(k) The Revisor of Statutes shall change the term 'Office of
14 State Planning' to 'Office of State Budget, Planning, and Management' wherever it
15 occurs in the General Statutes.

16 Section 93.(l) The Revisor of Statutes shall change the term 'State
17 Budget Office' to 'Office of State Budget, Planning, and Management' wherever it
18 occurs in the General Statutes, except in G.S. 143-31.5.

19 Section 93.(m) This section becomes effective July 1, 2000.

20 Section 94. Except as otherwise specified, this act is effective when it becomes
21 law.



STATE OF NORTH CAROLINA
GENERAL STATUTES COMMISSION
POST OFFICE BOX 629
RALEIGH, NORTH CAROLINA 27602
(919) 716-6800

MEMORANDUM

TO: Committee on Rules, Calendar, and Operations of the House

FROM: General Statutes Commission

DATE: July 11, 2000

RE: Senate Bill 1335 (2000 Technical Corrections)

General Comments

Sections 1 through 34 of this bill contain the General Statutes Commission's recommendations for technical corrections to various sections of the General Statutes. These amendments correct typographical, redlining, and other obvious drafting errors, update or correct statutory references and proper names, provide for gender neutral terminology, and make technical conforming changes.

Specific Comments

Section 1. This section amends G.S. 7A-38.4(1) to insert the word "in", which was inadvertently omitted in the phrase "who participate settlement procedures".

Section 2. This section amends G.S. 18B-603(f)(8) to correct a typographical error in a citation. The reference to "G.S. 18B-100(1)" should be "G.S. 18B-1001(1)".

Sections 3 and 4. These sections amend G.S. 20-19(c3)(3) and G.S. 20-19(c3)(4), respectively, to correct an obvious drafting error. G.S. 20-19(c3)(3) and G.S. 20-19(c3)(4) provide for restrictions to be placed on drivers licenses for persons convicted of various offenses, including a restriction that such a person not operate a vehicle when the person has an alcohol concentration of "0.00 or more". This restriction, literally applied, would prohibit the person from ever operating a vehicle. The intended phrasing is "greater than 0.00".

Sections 5, 6, and 7. These sections amend G.S. 20-138.2A(b2), 20-138.2B(b2), and 20-138.3(b2) to state the correct name for the Commission for Health Services.

Section 8. This section amends G.S. 31B-4(a) to reinsert the conjunction in the list of things that bar the right to renounce property. The conjunction "or" appeared at the end of subdivision (a)(3) but was deleted and not replaced when that subdivision was repealed.

Section 9. This section amends G.S. 43-46 to delete a "the" that was inadvertently not redlined out when the statute was amended in 1999.

Section 10. This section corrects a possibly problematic correction to 1999 legislation. G.S. 57C-2-20 was amended in two separate acts in 1999. These amendments conflicted, and in Section 50 of S.L. 1999-456, an attempt was made to reconcile the conflict by repealing the amendment in the first act (S.L. 1999-189) and restating the statute. However, the introductory language used in S.L. 1999-456 was not completely clear. The amendment in Section 10 repeals both the amendment in the first act (Section 2.2 of S.L. 1999-189) and Section 50 of S.L. 1999-456 and restates the intended correction.

Sections 11, 12, 13, and 14 amend G.S. 58-7-70, 58-28-15, 58-30-10(6)e., and 58-30-55(2), respectively. These statutes were amended in 1999 in a provision that directed the deletion of the term "certificate of authority" and substitution of the term "license" in a list of specific sections of Chapter 58 of the General Statutes. Three of the listed sections, however, already contained the term "license" as well as the term "certificate of authority" so that the 1999 amendment resulted in duplicative terminology. In a fourth listed section, the term used in the statute was "certificates of authority" (in the plural) rather than "certificate of authority", so that the intended amendment could not be implemented. Sections 11, 13 and 14 remove the duplicative terms, and Section 12 actually makes the intended terminology change.

Section 15. This section amends G.S. 58-42-45(a) to remove language that should have been but was not deleted when the statute was amended in 1999.

Section 16. This section amends G.S. 58-50-1 to insert the word "under", which was inadvertently not inserted when the statute was amended in 1999. Apparently, among other things, the 1999 amendment intended to replace the word "thereunder" with the phrase "under the policy".

Section 17. This section amends G.S. 59-201(a) to remove a need for any conjunction. When subdivision (5) was added in 1999, the conjunction "and" (between subdivisions (3) and (4)) was not moved. Section 17 changes the punctuation so that no conjunction is needed.

Section 18. This section amends G.S. 89C-12 to eliminate a duplicated "the".

Section 19. This section contains two separate amendments. First, it makes a conforming amendment to G.S. 93A-3(a). G.S. 93A-3(a) creates the North Carolina Real Estate Commission and, among other things, fixes the number of members and provides for them to serve staggered three-year terms. In 1999, the General Assembly increased the number of Commission members from seven to nine without also amending the portion providing for

staggered terms. The first amendment in this section fixes that oversight; it also makes the term "salesmen" gender neutral.

The second amendment in this section authorizes the Revisor of Statutes to change the words "salesman", "salesman's", "salesmen", and "salesmen's" to their gender neutral equivalents in Chapter 93A of the General Statutes (the chapter dealing with realtors).

Section 20. Section 16 of S.L. 1999-293 added a new subsection to "G.S. 110-36.3", which does not exist. The intended reference was to G.S. 110-136.3. Section 20 corrects this error by repealing the faulty provision and reenacting it with the correct citation.

Section 21. This section amends Sections 6 and 11 of S.L. 1998-220 to correct a typographical error in the introductory language. Sections 6 and 11 of S.L. 1998-220 literally amended G.S. 115C-174.21(b) and (c), respectively, but there is no G.S. 115C-174.21. The clearly intended reference was to G.S. 115C-174.11.

Section 22. This section amends G.S. 115C-105.46(2) to correct a typographical error in a citation. "G.S. 115C-105.57" should read "G.S. 115C-105.47".

Section 23. This section amends G.S. 115C-325(n) to remove a duplicated phrase.

Section 24. This section amends G.S. 115C-325(q) to delete a paragraph that was inadvertently not deleted when the subsection was effectively rewritten in 1998.

Section 25. This section amends G.S. 115C-404(a) to remove meaningless extra language that resulted from amendments in 1998 by multiple acts.

Section 26. This section amends G.S. 116-14(b1) to remove a duplicate "in".

Section 27. This section makes two conforming amendments to G.S. 116B-66(a) to take into account legislative amendments to G.S. 116B-56, which is twice cited in G.S. 116B-66(a).

Chapter 116B of the General Statutes was substantially revised in 1999. G.S. 116B-56 as proposed lost its original subdivision (a)(6), and the original subdivision (a)(7) was renumbered as subdivision (a)(6). G.S. 116B-66(a)(4), which deals with property escheated under the original subdivision (a)(6) of G.S. 116B-56, is therefore meaningless and should be deleted. In addition, G.S. 116B-66(a)(5) should be amended to correct the citation to "G.S. 116B-56(7)" to read "G.S. 116B-56(a)(6)", since the subdivision (7) referred to is the original subdivision (a)(7) (now subdivision (a)(6)).

Section 28. This section amends the catchline of G.S. 120-9 to conform the catchline to an earlier amendment deleting material from G.S. 120-9.

Section 29. This section amends G.S. 126-2(b)(5) to remove the word "seven" that was inadvertently not redlined out when the statute was amended in 1998.

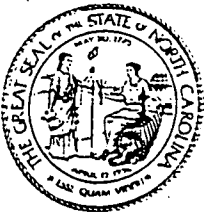
Section 30. This section amends G.S. 131D-2(b)(1) to remove extra language that resulted from multiple amendments to this statute in 1999.

Section 31. This section amends G.S. 136-176(b)(2) to correct a typographical error in a citation. "G.S. 136-80" should read "G.S. 136-180".

Section 32. This section amends G.S. 143-151.57(a) to remove an extra word "inspector".

Section 33. This section amends G.S. 143B-270(c) to remove a sentence that is no longer necessary.

Section 34. This section amends G.S. 160A-23.1(d)(1) to complete updating the dates in this statute from 1992 to 2002.



SB 1335:
2000 Technical Corrections

DRAFT

BILL ANALYSIS

Committee: House Rules, Calendar, &
Operation of the House
Date: July 11, 2000
Version: Third Edition

Introduced by: Senator Hartsell
Summary by: O. Walker Reagan and Erika
Churchill,
Staff Attorneys

SUMMARY: The Third Edition of Senate Bill 1335 contains the recommendations of the General
Statutes Commission to correct technical errors and recommendations from staff to make conforming changes
to various statutes and session laws.

Sections 1 through 34 were recommended by the General Statutes Commission and
have been summarized in a separate document by the Commission's staff. This summary will cover the
remaining sections of the bill. The changes beginning with Section 35 have been identified by legislative staff,
agency staff, and others.

BILL ANALYSIS

Sections 1-34. Pages 1-12

- Please see the attached summary on these sections which are recommended by the General Statutes
Commission.

Section 35. Page 13

- Amends G.S. 5A-23(g) to conform to changes made in 1999 to the contempt statutes by stating an individual
found in civil contempt may not be found in criminal contempt on the same facts under Article 1 of Chapter
5A.

Section 36. Page 13

- Corrects the reference in 7A-41 to a date relating to the description of a set of Superior Court judge districts in
Pender and New Hanover counties. The districts were described by the listing of precincts. The precincts were
not designated by that time, the original date, so this amendment moves the date to December 1, 1999.

Section 37. Page 13

- Corrects an incorrect subdivision cite.

Section 38. Page 14

- To allow the designation of a Senior Administrative Law Judge, whose salary is set at 95% of the salary of the
Chief Administrative Law Judge and stating the Senior Administrative Law Judge is entitled to longevity pay
as provided to employees subject to the State Personnel Act, as was included in the Budget.

Section 38.1 Page 14

- Deletes the language placing the Commission in the Department of Justice to decrease the appearance of
control and influence by the Department over the Commission.
Clarifies that the Commission may recertify criminal justice officers, training schools and programs, and
criminal justice instructors.

Section 39. Page 16

- Conforms the language to reflect the elimination of the required revenue license.

Section 40. Page 16

- Clarifies that existing mortgage loan fees remain permissible following the enactment of Senate Bill 1149 last
session.

Section 40.1 Page 19

- Amends the Predatory Lending law to provide that a lender may not shift loss, liability, or claim of any kind to
the closing agent or closing attorney.

Section 41. Page 20

- Conforms the law that a tenant is entitled to return of payments made prior to a sale of the property by the
landlord only as specified in the statutes, and deletes the requirement that the landlord must refund payments to

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Page 2

the tenant within 60 days if the transfer of the property was involuntary to conform with the 30 day period in other circumstances.

Section 42. Page 21

- Makes conforming changes in Chapter 43 to changes made in 1999 in the Torrens Title law for the Register of Deeds to record Torrens property transactions in the consolidated real property records not in the title registration book.
- This section is effective retroactive to January 1, 2000.

Sections 43, 45, 46, 48, 49, 51, 52. Pages 26, 27, 28, 29, 30,

- Makes conforming changes to the filings of corporations, merged entities, and limited liability companies with respect to the Secretary of State's authority to collect fees already established when the filing associated with the fee is accomplished.

Sections 44 and 47. Page 26 and 28

- Most North Carolina corporations opted out of the Control Share Acquisition Act and the Shareholder Protection Act in 1990. But for different reasons, some did not. Some of those that did not opt out have since adopted a shareholder rights plan which provides them with a more certain protection than the CSAA or the SPA. The standard shareholder rights plan and the CSAA have conflicting provisions. The best way to resolve this is to permit North Carolina public companies another opportunity to opt out of the CSAA and SPA. The CSAA and the SPA were adopted at the same time in the 1980's. After 10 years, North Carolina public corporations should have a new limited opt out period under both Acts to resolve conflicts which could result in costly and lengthy litigation.

Sections 53-54. Page 31

- Clarifies process and required information to be filed to amend the registration of a partnership.

Sections 50 and 55. Pages 29 and 31

- Deletes excess language referring to the principal office in the state or country under whose law the entity is organized.

Section 56. Page 32

- Reorganizes and clarifies new regulatory fee levied in 1999 on certain electric membership corporations.

Section 57. Page 35

- Clarifies that a document must comply with all applicable statutes, rules and regulations of the United States Department of State, if the document is to be authenticated by that office.

Section 58. Page 36

- Corrects incorrect references to subsection, rather than "sections;" brings the statute into conformity with drafting policy.
- Corrects the cites for which violations may occur under the National Tobacco Product Manufacturer Law.

Section 59. Page 37

- Clarifies definition of applicant to include auctioneer, apprentice auctioneer, or auction firm in the applicable statutes and catchlines.
- This section becomes effective October 1, 2000 and applies to applications for licensure on or after that date for criminal history background check requirements.

Section 60. Page 38

- Adds a new subsection to clarify that a graduate nurse midwife applicant status may be granted.

Section 61. Page 38

- Conforming change to the statute catchline to reflect that the nature of the tax has changed from a license tax to a privilege tax.

Section 62. Page 38

- Makes conforming change to reflect that natural gas tax is now levied and distributed under a different statute.

Section 63. Page 39

- Corrects wording problems that resulted when two different 1999 acts amended the same statutes.

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Page 3

Section 64. Page 39

- Conforms outdated language in the corporate income tax statutes.

Section 65. Page 40

- Makes a conforming change to recognize that certain State, local, and federal government retirement benefits are exempt from North Carolina income tax pursuant to settlement of the Bailey, Emory, and Patton cases.

Section 66. Page 41

- Repeals a criminal penalty for willful failure to pay corporate estimated tax, because it duplicates a penalty already provided in G.S. 105-236(9), in the general administrative section of the Revenue Act.

Section 67. Page 41

- Conforms the statute to reflect that only one statewide retail sales tax license is required, reorganizes and consolidates two similar statutes, deletes obsolete language regarding renewal fees, and repeals a criminal penalty that duplicates a penalty already provided in the general administrative section of the Revenue Act.

Section 68. Page 43

- Corrects the form of a reference to the Internal Revenue Code.

Section 69. Page 43

- Adds a definition of "Department" in Chapter 105 of the General Statutes, consistent with the way the term is used in that Chapter to mean "Department of Revenue."

Section 70. Page 43

- Adds the missing word "the" to the statute.

Section 71. Page 43

- Corrects indentation of statute.

Sections 72 and 75. Pages 44 and 46

- Corrects numerical cite in G.S. 105-275, as amended by Section 1 of S.L. 2000-2, and adds clarifying definition reference for the term "vehicle."
- Adds corrected numerical cite to other General Statutes referencing G.S. 105-275(42).
- Section 75 is effective July 1, 2000.

Section 73. Page 46

- Makes a conforming change regarding a mailed notice to reflect a 1999 change in the content of tax lien lists published in the newspapers.
- This section becomes effective January 1, 2001, the same date the 1999 changes become effective.

Section 74. Page 46

- Corrects definitional cross-references to avoid problems when definitions are renumbered.

Section 76. Page 48

- Conforms the name of the Energy Conservation Plan to "Energy Efficiency Program" throughout the statutes, and changes references to the "plan" to the "program."
- Reflects the move of the Energy Policy Council from the Department of Commerce to the Department of Administration, and makes necessary organizational changes as authorized in the Budget.
- This section becomes effective on September 30, 2000.

Section 77. Page 56

- Clarifies the powers and duties of the local Board of Education with respect to the Conduct and Duties of Personnel over paperwork control and monitoring applies to paperwork required of teachers.

Section 78. Page 56

- This part of Article 2 is repealed to delete an obsolete commission.

Section 79. Page 56

- Conforms the name of the Division of Travel and Tourism, located in the Department of Commerce, to the Division of Tourism, Film, and Sports Development. This section reflects making this change throughout the statutes.

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Page 4

Section 80. Page 60

- Amends the requirements for local budget ordinances to reflect the proper Article for registered motor vehicle tax in Chapter 105.

Section 81. Page 60

- This gives the Executive Secretary-Director of the State Board of Elections the authority to correct inaccurate and administratively changed precinct boundaries under the Precinct Boundary Program, that would otherwise be frozen until January 2002. This will allow the county boards to use designated precincts that conform to the Census database and the General Assembly redistricting database.

Section 82. Page 82

- Amends a section of the Campaign Finance Act to conform the scope section to include State elections and referenda. The remainder of the Article deals with State referenda as well as elections.

Section 83. Page 62

- This clarifies "Stand by Your Ad" under the Election Laws to eliminate the requirement for a candidate to make a statement twice in a radio or TV ad in order to satisfy two separate statutes.

Section 84. Page 62

- This corrects a provision of the "Stand by Your Ad" law to be clear that the statement that the act does not impose any criminal liability also applies to individuals.

Section 85. Page 62

- Extends hold harmless period for piped gas tax distributions to municipalities, to allow the Revenue Laws Study Committee more time to evaluate whether the new distribution method enacted in 1998 will yield distribution amounts that are similar enough to those provided under prior law.

Section 86. Page 63

- Corrects term end to December 31, 2008, for a non-Section 5 Voting Rights Act district originally thought subject to Section 5.

Section 87. Page 63

- Repeals Section 3 of S.L. 1999-321 to eliminate extra words made unnecessary by Section 3 of S.L.1999-340.

Section 88. Page 63

- Corrects effective date for 1999 change to G.S. 105-241.1, the scope of which was inadvertently limited.

Section 89. Page 63

- Corrects the cite of Chapter 203 of the 1993 Session Laws.

Section 90. Page 63

- Amends Section 21 of S.L. 2000-67 to include Representative Edwards in the list of persons requesting the provisions. Representative Edwards was inadvertently left out.
- Corrects the budget to reflect the employee bonus being payable to the Community Colleges and University teachers. The money to provide for such was included in the budget, but the language authorizing payment was not.
- Makes other corrections in citations in the budget.

Sections 91-92. Page 64

- These sections identify improper cites in HB 813 and HB 1560, which need to be corrected if the bills are become law.

Section 92.A. Page 65

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Section 92.1. Page 65

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Section 92.2. Page 65

- Places the drug gamma hydroxybutric acid the controlled substance punishment schedule to conform to federal law.

Section 93. Page 69

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- Conforms statutes to reflect the name change of the Office of State Budget and Management to the "Office of State Budget, Planning, and Management."

Section 94. Page 74

- Unless otherwise specified in the section, the bill would become effective when it becomes law.



STATE OF NORTH CAROLINA
GENERAL STATUTES COMMISSION
POST OFFICE BOX 629
RALEIGH, NORTH CAROLINA 27602
(919) 716-6800

MEMORANDUM

TO: Senate Judiciary I Committee
FROM: General Statutes Commission
DATE: July 4, 2000
RE: Senate Bill 1335 (2000 Technical Corrections)

General Comments

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Section 22. This section amends G.S. 115C-105.46(2) to correct a typographical error in a citation. "G.S. 115C-105.57" should read "G.S. 115C-105.47".

Section 23. This section amends G.S. 115C-325(n) to remove a duplicated phrase.

Section 24. This section amends G.S. 115C-325(q) to delete a paragraph that was inadvertently not deleted when the subsection was effectively rewritten in 1998.

Section 25. This section amends G.S. 115C-404(a) to remove meaningless extra language that resulted from amendments in 1998 by multiple acts.

Section 26. This section amends G.S. 116-14(b1) to remove a duplicate "in".

Section 27. This section makes two conforming amendments to G.S. 116B-66(a) to take into account legislative amendments to G.S. 116B-56, which is twice cited in G.S. 116B-66(a).

Chapter 116B of the General Statutes was substantially revised in 1999. During the legislative process, G.S. 116B-56 as proposed lost its original subdivision (6) and gained a new subsection. The remaining original subdivisions were accordingly designated as being in subsection (a) and the original subdivision (7) was renumbered as subdivision (a)(6). G.S. 116B-66(a)(4), which deals with property escheated under the original subdivision (6) of G.S. 116B-56, is therefore meaningless and should be deleted. G.S. 116B-66(a)(5) should be amended to correct the citation to G.S. 116B-56(7) to read "G.S. 116B-56(a)(6)", since the subdivision (7) referred to is the originally proposed subdivision (7) that was renumbered as (a)(6).

Section 28. This section amends the catchline of G.S. 120-9 to conform the catchline to an earlier amendment deleting material from G.S. 120-9.

Section 29. This section amends G.S. 126-2(b)(5) to remove the word "seven" that was inadvertently not redlined out when the statute was amended in 1998.

Section 30. This section amends G.S. 131D-2(b)(1) to remove extra language that resulted from multiple amendments to this statute in 1999.

Section 31. This section amends G.S. 136-176(b)(2) to correct a typographical error in a citation. "G.S. 136-80" should read "G.S. 136-180".

Section 32. This section amends G.S. 143B-270(c) to remove a sentence that is no longer necessary.

Section 33. This section amends G.S. 143-151.57(a) to remove an extra word "inspector".

Section 34. This section amends G.S. 160A-23.1(d)(1) to complete updating the dates in this statute from 1992 to 2002.

**2000 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES**

The following report(s) from standing committee(s) is/are presented:

By Representative(s) **Culpepper** for the Committee on Rules, Calendar and Operations of the House.

Committee Substitute for

S.B. 787 A BILL TO BE ENTITLED AN ACT TO REQUIRE THE DEPARTMENT OF TRANSPORTATION TO STUDY THE NEED FOR RECONSTRUCTING OVERPASSES TO REDUCE OR ELIMINATE THE POSSIBILITY OF THROWING OBJECTS FROM THEM.

- With a favorable report.
- With a favorable report and recommendation that the bill be re-referred to the Committee on Appropriations Finance .
- With a favorable report, as amended.
- With a favorable report, as amended, and recommendation that the bill be re-referred to the Committee on Appropriations Finance .
- With a favorable report as to House committee substitute bill, which changes the title, unfavorable as to original bill.
- With a favorable report as to House committee substitute bill (#), which changes the title, unfavorable as to Senate committee substitute bill.
- With an unfavorable report.
- With recommendation that the House concur.
- With recommendation that the House do not concur.
- With recommendation that the House do not concur; request conferees.
- With recommendation that the House concur; committee believes bill to be material.
- With an unfavorable report, with a Minority Report attached.
- Without prejudice.
- With an indefinite postponement report.
- With an indefinite postponement report, with a Minority Report attached.
- With recommendation that it be adopted. (HOUSE RESOLUTION ONLY)

5/25/00

**2000 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES**

The following report(s) from standing committee(s) is/are presented:

By Representative(s) **Culpepper** for the Committee on **Rules, Calendar and Operations of the House.**

- Committee Substitute for
S.B. 1385 A BILL TO BE ENTITLED AN ACT TO APPOINT PERSONS TO VARIOUS PUBLIC OFFICES UPON THE RECOMMENDATION OF THE PRESIDENT PRO TEMPORE OF THE SENATE, AND TO MAKE CHANGES IN THE LAW RELATING TO APPOINTMENTS TO PUBLIC OFFICE.
- With a favorable report.
- With a favorable report and recommendation that the bill be re-referred to the Committee on Appropriations Finance .
- With a favorable report, as amended.
- With a favorable report, as amended, and recommendation that the bill be re-referred to the Committee on Appropriations Finance .
- With a favorable report as to committee substitute bill (#), which changes the title, unfavorable as to (original bill) (Committee Substitute Bill #), (and recommendation that the committee substitute bill #) be re-referred to the Committee on .)
- With a favorable report as to House committee substitute bill, which changes the title, unfavorable as to Senate committee substitute bill.
- With an unfavorable report.
- With recommendation that the House concur.
- With recommendation that the House do not concur.
- With recommendation that the House do not concur; request conferees.
- With recommendation that the House concur; committee believes bill to be material.
- With an unfavorable report, with a Minority Report attached.
- Without prejudice.
- With an indefinite postponement report.
- With an indefinite postponement report, with a Minority Report attached.
- With recommendation that it be adopted. (HOUSE RESOLUTION ONLY)

5/25/00

MINUTES OF THE COMMITTEE ON RULES, CALENDAR AND OPERATIONS OF
THE HOUSE

July 12, 2000

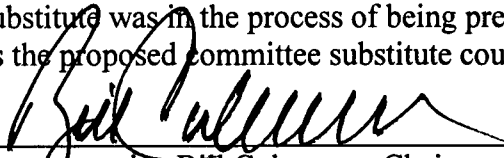
The Committee on Rules, Calendar and Operations of the House met on July 12, 2000 at 2:45 p.m. in Room 421 of the Legislative Office Building. The following members were present: Representatives Culpepper, Chairman; Hackney, Vice Chairman; Alexander, Boyd-McIntyre, Crawford, Gibson, Hill, Jarrell, Luebke, McCombs, Michaux, Nye, Tolson, Wood, Wright, Yongue and ex officio member, Cunningham.

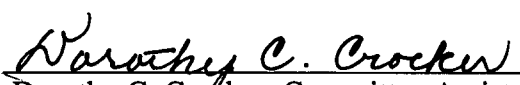
The following bills were discussed:

SENATE BILL 787 – AN ACT TO AUTHORIZE STUDIES BY THE LEGISLATIVE RESEARCH COMMISSION, TO CREATE VARIOUS STUDY COMMITTEES AND COMMISSIONS, AND TO DIRECT STATE AGENCIES AND LEGISLATIVE OVERSIGHT COMMITTEES AND COMMISSION TO STUDY SPECIFIED ISSUES. Representative Hackney moved for reconsideration of the vote by which a House proposed committee substitute was given a favorable report at the day's earlier meeting. Without objection, it was so ordered. The chairman commented that due to objections to Part VII of the proposed committee substitute following the morning meeting, he decided to bring it back to the committee for further discussion. Following the discussion, Representative Hackney sent forth an amendment removing Part VII from the House proposed committee substitute, and moved for its adoption. The motion carried. (A copy of the amendment is attached herewith.) He then moved that the amendment be incorporated into the House proposed committee substitute, that the House proposed committee substitute be given a favorable report, unfavorable as to the original bill. The motion carried.

COMMITTEE SUBSTITUTE FOR SENATE BILL 1385 – A BILL TO BE ENTITLED AN ACT TO APPOINT PERSONS TO VARIOUS PUBLIC OFFICES UPON THE RECOMMENDATION OF THE PRESIDENT PRO TEMPORE OF THE SENATE AND TO MAKE CHANGES IN THE LAW RELATING TO APPOINTMENTS TO PUBLIC OFFICE. Representative Luebke moved for reconsideration of the vote by which the House proposed committee substitute to the bill was given a favorable report at the day's earlier meeting. Without objection, it was so ordered. The chairman stated that it was brought to his attention by the Majority Leader that there had been an error on page 5 with respect to one of the appointments that the Speaker was to make. An amendment was offered to correct the error and to make a technical correction on page 5 where the word "county" appears twice. Representative Nye moved for adoption of the amendment, and the motion carried. Representative Gibson then moved that the amendment be incorporated into the House proposed committee substitute, that the proposed committee substitute be given a favorable report, unfavorable to the Senate committee substitute. The motion carried.

SENATE COMMITTEE SUBSTITUTE FOR SENATE BILL 1335 – AN ACT TO MAKE TECHNICAL CORRECTIONS AND CONFORMING CHANGES TO THE GENERAL STATUTES AS RECOMMENDED BY THE GENERAL STATUTES COMMISSION, TO MAKE OTHER TECHNICAL AND CONFORMING CHANGES, AND TO AMEND LAWS RELATING TO URBAN WATERFRONT DEVELOPMENT AND THE CLASSIFICATION OF GAMMA HYDROXYBUTYRIC ACID (GHB) AS A CONTROLLED SUBSTANCES. Walker Reagan, staff attorney with the Research Division, resumed explanation of the Senate committee substitute. Following completion of the explanation, the chairman stated that a House committee substitute was in the process of being prepared and recessed the meeting until such time as the proposed committee substitute could be completed.


Representative Bill Culpepper, Chairman


Dorothy C. Crocker, Committee Assistant

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1999

S

D

SENATE BILL 787
Proposed Committee Substitute S787-PCS6804-RW001

Short Title: 2000 Studies Bill.

(Public)

Sponsors:

Referred to:

April 7, 1999

1 A BILL TO BE ENTITLED
2 AN ACT TO AUTHORIZE STUDIES BY THE LEGISLATIVE RESEARCH
3 COMMISSION, TO CREATE VARIOUS STUDY COMMITTEES AND
4 COMMISSIONS, AND TO DIRECT STATE AGENCIES AND LEGISLATIVE
5 OVERSIGHT COMMITTEES AND COMMISSIONS TO STUDY SPECIFIED
6 ISSUES.

7
8 The General Assembly of North Carolina enacts:

9 **PART I.-----TITLE**

10 Section 1. This act shall be known as "The Studies Act of 2000".
11

12 **PART II.-----LEGISLATIVE RESEARCH COMMISSION**

13 Section 2.1. The Legislative Research Commission may study the topics
14 listed below. When applicable, the bill or resolution that originally proposed the
15 issue or study and the name of the sponsor is listed. The following groupings are for
16 reference only:

- 17 (1) Governmental and Personnel Issues:
18 a. Establishment of an auxiliary police officers' pension fund
19 (H.B. 1734 - Davis).
20 b. Salaries and benefits of Department of Correction
21 employees (H.B. 1782 - Gibson).
22 c. State compliance with federal Civil Rights Act (S.B. 1274 -
23 Jordan).

- 1 d. Elections supervisors' salaries (H.B. 1492 - Buchanan).
- 2 e. Permanent part-time employees included in the Teachers'
- 3 and State Employees' Retirement System (H.B. 1726 -
- 4 Rogers).
- 5 (2) Insurance, Managed Care, and other Health Care Issues:
- 6 a. Insurance availability in beach and coastal areas (H.B. 1835
- 7 - Redwine).
- 8 b. Employer-sponsored, self-insured group health benefit plans
- 9 (S.B. 1429 - Dalton).
- 10 c. Parity in health insurance coverage for mental illness and
- 11 chemical dependency benefits (H.B. 1567 - Alexander; S.B.
- 12 1254 - Martin of Guilford).
- 13 d. Alternative health care providers (H.B. 1049 - Miller).
- 14 (3) Education Issues:
- 15 a. Placement of and providing a special education to children
- 16 in group homes (H.B. 1833 - Hurley, Morris; S.B. 1540 -
- 17 Rand).
- 18 (4) Health and Public Safety Issues:
- 19 a. Pregnancy and drug abuse (H.B. 1846 - Sherrill).
- 20 b. Health and safety hazards at the abandoned Imperial Foods
- 21 processing plant in Hamlet (H.B. 1818 - Goodwin).
- 22 c. Social Anxiety Disorder (H.B. 1652 - Edwards, Wainwright).
- 23 d. Community-based syringe exchange programs (H.B. 1683 -
- 24 Wright).
- 25 (5) Taxation and Economic Development Issues:
- 26 a. Homestead Exemption (H.B. 1700 - Warner, Hurley; S.B.
- 27 1484 - Hoyle).
- 28 b. Simplify taxes on telecommunications (S.B. 1320 - Hoyle,
- 29 Kerr).
- 30 c. State's travel and tourism industry and the economic
- 31 benefits of that industry (Warwick).
- 32 (6) Environmental/Agricultural Issues:
- 33 a. Wildlife Resources Commission rules concerning snakes
- 34 (H.B. 1841 - Allred).
- 35 b. Statewide public and private use of water (Warwick).
- 36 c. Small family farm preservation (H.B. 1623 - Mitchell; S.B.
- 37 1342 - Albertson).
- 38 d. Water capacity use area issues (Warwick).
- 39 (7) Transportation Issues:
- 40 a. Abandoned vehicles on State Roads (Mitchell).
- 41 (8) Criminal laws issues:
- 42 a. Termination of parental rights of rapists (H.B. 1678 - Ellis).
- 43 b. Victim's rights (H.B. 1766 - Eddins).
- 44 (9) Civil Law Issues:

- 1 a. Frivolous lawsuits (H.B. 1681 - Owens).
2 b. Seized property (H.B. 1750 - Buchanan).
3 (10) Court System:
4 a. Authority of Magistrates and Clerks of Court (H.B. 1224 -
5 Baddour; S.B. 1023 - Clodfelter).

6 Section 2.2. Reporting Date. -- For each of the topics the Legislative
7 Research Commission decides to study under this Part or pursuant to G.S.
8 120-30.17(1), the Commission may report its findings, together with any
9 recommended legislation, to the 2001 General Assembly.

10

11 **PART III.-----STATE GOVERNMENT GENDER EQUITY STUDY COMMISSION**

12 Section 3.1. There is created a State Government Gender Equity Study
13 Commission. The Commission shall consist of 13 members, appointed as follows:

- 14 (1) Three persons appointed by the Governor.
15 (2) Five members of the House of Representatives appointed by the
16 Speaker of the House.
17 (3) Five members of the Senate appointed by the President Pro
18 Tempore of the Senate.

19 Section 3.2. The Commission shall study gender pay equity issues in State
20 government employment. The Commission shall submit a final report of its findings
21 and recommendations to the General Assembly on or before the first day of the 2001
22 Session of the General Assembly by filing the report with the President Pro Tempore
23 of the Senate and the Speaker of the House of Representatives. Upon filing its final
24 report, the Commission shall terminate.

25 Section 3.3. When a vacancy occurs in the membership of the
26 Commission, the vacancy shall be filled by the same appointing officer who made the
27 initial appointment. The Speaker of the House of Representatives shall designate one
28 Representative as cochair and the President Pro Tempore of the Senate shall
29 designate one Senator as cochair. Members of the Commission shall receive
30 subsistence and travel expenses at the rates set forth in G.S. 120-3.1.

31 Section 3.4. The Commission, while in the discharge of official duties,
32 may:

- 33 (1) Exercise all the powers provided for under the provisions of G.S.
34 120-19 and G.S. 120-19.1 through G.S. 120-19.4.
35 (2) Meet at any time upon the joint call of the cochairs.
36 (3) Meet in the State Legislative Building or the Legislative Office
37 Building.

38 The Commission may contract for professional, clerical, or consultant
39 services as provided by G.S. 120-32.02. The Legislative Services Commission,
40 through the Legislative Services Officer, shall assign professional staff to assist in the
41 work of the Commission. The House of Representatives' and the Senate's Supervisors
42 of Clerks shall assign clerical staff to the Commission upon the direction of the
43 Legislative Services Commission. The expenses relating to clerical employees shall
44 be borne by the Commission.

1 All State departments, agencies, and institutions shall furnish the
2 Commission with any information in their possession or available to them.

3 Section 3.5. From funds appropriated to the General Assembly, the
4 Legislative Services Commission shall allocate funds for the expenses of the State
5 Government Gender Equity Study Commission.
6

7 **PART IV.-----JOINT LEGISLATIVE COMMITTEE ON THE FUTURE OF NORTH**
8 **CAROLINA RAILROADS**

9 Section 4.1. Chapter 120 of the General Statutes is amended by adding a
10 new Article to read:

11 "ARTICLE 12N.

12 "Joint Legislative Committee on the Future of North Carolina Railroads.

13 "§ 120-70.120. Creation and membership of Joint Legislative Committee on the Future
14 of North Carolina Railroads.

15 (a) The Joint Legislative Committee on the Future of North Carolina Railroads is
16 established. The Committee shall be composed of 16 members as follows:

17 (1) Eight members of the House of Representatives appointed by the
18 Speaker of the House.

19 (2) Eight members of the Senate appointed by the President Pro
20 Tempore of the Senate.

21 (b) Terms on the Committee are for two years and begin on January 15 of each
22 odd-numbered year, except the terms of the initial members, which begin on
23 appointment. Members may complete a term of service on the Committee even if
24 they do not seek reelection or are not reelected to the General Assembly, but
25 resignation or removal from service in the General Assembly constitutes resignation
26 or removal from service on the Committee.

27 (c) Any vacancy on the Committee shall be filled by the appointing authority.

28 "§ 120-70.121. Purpose and powers of Committee.

29 (a) The Committee has the following powers and duties:

30 (1) To oversee all aspects of the operation, structure, management, and
31 long-range plans of the North Carolina Railroad.

32 (2) To evaluate the importance of railroads and railroad infrastructure
33 improvements to economic development in North Carolina,
34 including improvements to short-line railroads.

35 (3) To study issues important to the future of passenger and freight rail
36 service in North Carolina.

37 (4) To study expediting the process of property dispute resolution
38 between private landowners and railroad companies.

39 (5) To make reports and recommendations, including draft legislation,
40 to the General Assembly from time to time as to any matter
41 relating to the powers and duties set out in this section.

42 (b) The Committee's study of any of the issues set out in this section is not
43 intended to, and shall not, delay the North Carolina Railroad Company's contract
44 negotiations with freight and passenger rail service operators, including a Regional

1 Public Transportation Authority created under Article 26 of Chapter 160A of the
2 General Statutes, a Regional Transportation Authority created under Article 27 of
3 Chapter 160A of the General Statutes, or the Norfolk Southern Railway Company.
4 "§ 120-70.122. Organization of Committee.

5 (a) The Speaker of the House of Representatives and the President Pro Tempore
6 of the Senate shall each designate a cochair of the Committee. The Committee shall
7 meet upon the call of the cochairs.

8 (b) A quorum of the Commission shall be nine members. No action may be taken
9 except by a majority vote at a meeting at which a quorum is present. While in the
10 discharge of its official duties, the Committee has the powers of a joint committee
11 under G.S. 120-19 and G.S. 120-19.1 through G.S. 120-19.4.

12 (c) Members of the Committee shall receive subsistence and travel expenses as
13 provided in G.S. 120-3.1 and G.S. 138-5. The Committee may contract for consultants
14 or hire employees in accordance with G.S. 120-32.02. Upon approval of the
15 Legislative Services Commission, the Legislative Services Officer shall assign
16 professional staff to assist the Committee in its work. Upon the direction of the
17 Legislative Services Commission, the Supervisors of Clerks of the Senate and of the
18 House of Representatives shall assign clerical staff to the Committee. The expenses
19 for clerical employees shall be borne by the Committee."

20 Section 4.2. Of the funds appropriated to the General Assembly, the
21 Legislative Services Commission shall allocate funds to implement the provisions of
22 this Part.

23

24 **PART V.-----ENVIRONMENTAL REVIEW COMMISSION TO REVIEW THE**
25 **REPORT AND RECOMMENDATIONS OF THE ESTUARINE SHORELINE**
26 **PROTECTION STAKEHOLDERS TEAM**

27 Section 5.1. The Environmental Review Commission shall review the
28 findings and recommendations of the August 1999 report of the Estuarine Shoreline
29 Protection Stakeholders Team of the Coastal Resources Commission. The
30 Environmental Review Commission shall determine which of the recommendations
31 of the Stakeholders Team can be implemented administratively, which
32 recommendations would require rule making by the Coastal Resources Commission
33 or other agency, and which recommendations would require legislation. The
34 Environmental Review Commission shall evaluate existing local government land-use
35 planning in the coastal and inland counties that are included in the river basins that
36 drain to coastal North Carolina. The Environmental Review Commission shall
37 specifically evaluate whether the local land-use planning process required for coastal
38 counties under the Coastal Area Management Act of 1974 should be extended to
39 include inland counties that are included in the river basins that drain to coastal
40 North Carolina. Upon request of the Environmental Review Commission, the
41 Department of Environment and Natural Resources, the Coastal Resources
42 Commission, and the Stakeholders Team shall provide assistance to the
43 Environmental Review Commission in its conduct of this study. The Environmental
44 Review Commission may refer consideration of any issue raised by this study to the

1 Commission to Address Smart Growth, Growth Management, and Development
2 Issues. The Environmental Review Commission shall report its findings and
3 recommendations, including legislative proposals, if any, to the 2001 General
4 Assembly.

5

6 **PART VI.-----JOINT LEGISLATIVE EDUCATION OVERSIGHT COMMITTEE**

7 Section 6.1. The Joint Legislative Education Oversight Committee shall
8 study the following issues:

- 9 (1) Issues related to counselors and social workers in the public
10 schools (H.B. 1826 - Insko).
11 (2) The need for instruction in foreign languages at the elementary
12 school level (H.B. 1799 - Insko).
13 (3) The feasibility of increasing the minimum number of instructional
14 days to 200, increasing the minimum number of instructional hours
15 to 1,120, and increasing the contractual period for teachers to 12
16 months. The study shall include an examination of the costs and
17 benefits of the proposed increases as well as a recommended
18 timetable for implementation (H.B. 1727 - Arnold).

19 Section 6.2. The Joint Legislative Education Oversight Committee shall
20 report its findings and recommendations of its studies under this Part to the General
21 Assembly prior to the convening of the 2001 General Assembly.

22 Section 6.3. Of the funds appropriated to the General Assembly, the
23 Legislative Services Commission shall allocate funds to implement the provisions of
24 this Part.

25

26 **PART VII.-----LEGISLATIVE ETHICS COMMITTEE (H.B. 1774 - Allen, Miller)**

27 Section 7. The Legislative Ethics Committee shall study the need for and
28 advisability of establishing conflicts of interest guidelines for public members of
29 advisory committees and commissions in the executive and legislative branches of
30 State government. The Legislative Ethics Committee may consult with the North
31 Carolina Board of Ethics in conducting this study. The Legislative Ethics Committee
32 shall report its findings and recommendations, including proposed legislation, to the
33 2001 General Assembly upon its convening. Any recommended legislation should
34 include recommended guidelines or a procedure for the establishment of conflicts of
35 interest guidelines.

36

37 **PART VIII.-----DEPARTMENT OF HEALTH AND HUMAN SERVICES AND
38 ADMINISTRATIVE OFFICE OF THE COURTS STUDY OF THE CHILD SUPPORT
39 SYSTEM (H.B. 1528 - Nye; S.B. 1277 - Martin of Guilford)**

40 Section 8.1. The Department of Health and Human Services and the
41 Administrative Office of the Courts, in conjunction with local departments of social
42 services, clerks of court, IV-D attorneys, district court judges, representatives of
43 county government, representatives of business and industry, and representatives of
44 child support clients, shall study ways to more effectively coordinate the efforts of the

1 two agencies in regard to collection and enforcement of child support. This study
2 shall include studying the feasibility of the two agencies granting each other access to
3 one another's computer systems or the feasibility of making the computer systems
4 compatible with one another. The study shall also include the development of
5 protocols to facilitate directing individuals to the proper agency for assistance or
6 information. The Department of Health and Human Services and the Administrative
7 Office of the Courts shall report to the Joint Legislative Public Assistance
8 Commission on efforts under this section by October 1, 2000.

9 Section 8.2. The Department of Health and Human Services and the
10 Administrative Office of the Courts, in conjunction with local departments of social
11 services, clerks of court, IV-D attorneys, district court judges, representatives of
12 county government, representatives of business and industry, and representatives of
13 child support clients, shall study the problems with and barriers to the establishment
14 of a unified system of child support collection and enforcement. This study shall also
15 include estimates of the costs, including any savings, associated with the establishment
16 of a unified system and any advantages or disadvantages associated with the
17 establishment of a unified system over a five-year period. The two agencies shall
18 make recommendations regarding solutions to any problems or barriers to the
19 establishment of a unified system. The Department of Health and Human Services
20 and the Administrative Office of the Courts shall make interim reports to the Joint
21 Legislative Public Assistance Commission on efforts under this section by September
22 1, 2000, and December 1, 2000, and shall make a final report to the Joint Legislative
23 Public Assistance Commission on efforts under this section by March 1, 2001.

24
25 **PART IX.-----DEPARTMENT OF HEALTH AND HUMAN SERVICES,**
26 **DEPARTMENT OF PUBLIC INSTRUCTION, AND DEPARTMENT OF**
27 **AGRICULTURE AND CONSUMER SERVICES -- HUNGER PROGRAM STUDIES**
28 **(H.B. 1526 - Nye)**

29 Section 9.1. The Department of Health and Human Services and the
30 Department of Public Instruction, in conjunction with the Department of Agriculture
31 and Consumer Services, the statewide system of food banks, the North Carolina
32 Hunger Network, the North Carolina Nutrition Network, and other State and local
33 agencies, shall study the School Lunch Program, the School Breakfast Program, and
34 the Summer Food Service Program. This study shall specifically include a study of
35 the reasons for underutilization of the programs. The Department of Public
36 Instruction and the Department of Health and Human Services shall take any actions
37 authorized under current law to increase participation in these programs before the
38 beginning of the 2000-2001 school year. The Department of Health and Human
39 Services and the Department of Public Instruction shall report on any actions taken
40 under this section and shall make any recommendations on changes to current law to
41 the Joint Legislative Public Assistance Commission by October 1, 2000.

42 Section 9.2. The Department of Health and Human Services, in
43 conjunction with the Department of Agriculture and Consumer Services, the
44 statewide system of food banks, the North Carolina Hunger Network, the North

1 Carolina Nutrition Network, and other State and local agencies, shall conduct a
2 comprehensive study of the Food Stamps Program, specifically focusing on reasons
3 for the underutilization of the program. This study shall include inquiry into the
4 following areas:

- 5 (1) The feasibility of additional outreach efforts to inform the public of
6 the requirements and availability of food stamps.
- 7 (2) The feasibility of extended business hours for local departments of
8 social services to facilitate the process of obtaining food stamps.
- 9 (3) The feasibility of ending automatic termination of food stamps
10 when the individual or family no longer receives Work First cash
11 assistance; thereby providing a transition period while the family
12 moves toward economic independence.

13 The Department shall identify any actions which may be taken under
14 current law to increase participation in the Food Stamps Program and implement
15 those actions as soon as practicable. The Department shall report on efforts under
16 this section to the Joint Legislative Public Assistance Commission by October 1, 2000.

17
18 **PART X.-----DEPARTMENT OF HEALTH AND HUMAN SERVICES STUDY**
19 **DENTAL SERVICES FOR MEDICAID RECIPIENTS (S.B. 1258 - Martin of Guilford)**

20 Section 10.1. In consultation with the State Public Health Director,
21 representatives of the School of Dentistry at the University of North Carolina at
22 Chapel Hill, the North Carolina Dental Society, the Old North State Dental Society,
23 the North Carolina Medical Society, the North Carolina Dental Hygiene Association,
24 The North Carolina Institute of Medicine, and consumer organizations, the Secretary
25 of the Department of Health and Human Services shall monitor and examine the
26 following:

- 27 (1) The extent to which the Medicaid reimbursement rate increase is
28 resulting in an increase in:
 - 29 a. The number of Medicaid-eligible children seen by dentists
30 participating as Medicaid providers;
 - 31 b. The number of dentists participating as Medicaid providers;
32 and
 - 33 c. The number of dentists practicing in underserved areas of
34 the State;
- 35 (2) Changes in the quality of dental services delivered to Medicaid
36 patients;
- 37 (3) The successful creation of a stronger coalition of oral health care
38 providers and physicians, funding agencies, and nonprofit
39 organizations focusing on the oral health care needs of children;
40 and to encourage strengthening of that coalition;
- 41 (4) The development of strategies for building upon the
42 recommendations of the North Carolina Institute of Medicine's
43 Task Force on Dental Care Access's 1999 report to the North

- 1 Carolina General Assembly and to the Secretary of the North
2 Carolina Department of Health and Human Services; and
3 (5) The identification of additional measures that should be
4 undertaken to improve access to and the quality of oral health care
5 for children.

6 Section 10.2. Not later than May 1, 2001, and May 1, 2002, the Secretary
7 shall report any findings and recommendations to the chairpersons of the Senate
8 Appropriations Committee on Human Resources, the House of Representatives
9 Appropriations Subcommittee on Health and Human Services, the Joint Legislative
10 Healthcare Oversight Committee, the Senate and House Health Committees, and to
11 the Fiscal Research Division of the General Assembly.

12
13 **PART XI.-----STATE BOARD OF EDUCATION STUDY SCHOOL CALENDAR (H.B.**
14 **1847 - Warner; S.B. 1513 - Lucas)**

15 Section 11. The State Board of Education shall study issues related to the
16 public school calendar. The State Board shall report the results of this study to the
17 Joint Legislative Education Oversight Committee prior to February 1, 2001.

18
19 **PART XII.-----DEPARTMENT OF HEALTH AND HUMAN SERVICES**
20 **DEVELOPMENTAL DISABILITIES STUDY**

21 Section 12.1. Section 11.23(b) of S.L. 2000-67 reads as rewritten:
22 "Section 11.23.(b) ~~The Department shall~~ Department, in consultation with the
23 Joint Legislative Oversight Committee on Mental Health, Developmental Disabilities,
24 and Substance Abuse Services, shall study whether a new division of developmental
25 disabilities should be established in the Department. Not later than January 1, 2001,
26 the Department shall report its findings and recommendations to the Joint Legislative
27 Oversight Committee on Mental Health, Developmental Disabilities, and Substance
28 Abuse Services, the House of Representatives Appropriations Subcommittee on
29 Health and Human ~~Services~~ Services, and the Senate Appropriations Committee on
30 Human Resources."

31
32 **PART XIII.-----DEPARTMENT OF HEALTH AND HUMAN SERVICES**
33 **ADOLESCENT PREGNANCY PREVENTION STUDY**

34 Section 13.(a) Section 11.40 of S.L. 2000-67 is repealed.

35 Section 13.(b) The first paragraph of subsection (v) of Section 5 of S.L.
36 2000-67 reads as rewritten:

37 "Section 5.(v) The funds appropriated to the Department of Health and Human
38 Services, Division of Public Health, in this ~~act~~ section in the TANF Block Grant for
39 the 2000-2001 fiscal year for teen pregnancy prevention shall be used in accordance
40 with the provisions of this subsection."

41 Section 13.(c) The Department of Health and Human Services, in
42 collaboration with the Adolescent Pregnancy Prevention Coalition of North Carolina,
43 local pregnancy prevention program administrators, and other organizations, shall
44 develop a comprehensive plan for consolidating adolescent pregnancy prevention

1 programs and adolescent parenting programs in a manner that facilitates all of the
2 following:

- 3 (1) Efficient operations and the elimination of duplication among
4 programs. To the extent that duplication in administration and
5 program operations is demonstrably necessary for effective
6 program operations, the Department shall indicate:
7 a. Why duplication is necessary;
8 b. Negative consequences relative to program goals as a result
9 of eliminating duplication; and
10 c. Means by which program and fiscal integrity and
11 accountability will be achieved and monitored.
12 (2) Consistent progress in reducing adolescent pregnancy in North
13 Carolina among demographic subgroups.
14 (3) Valid and reliable processes for monitoring and evaluating State
15 and local fiscal and program performance.
16 (4) Program organization, administration, and governance that is clear
17 and understandable.
18 (5) Targeting counties and municipalities with the highest adolescent
19 pregnancy rates, increasing rates of adolescent pregnancy, high
20 rates of adolescent pregnancy within demographic subgroups, or
21 with the greatest need of parenting programs.
22 (6) An equitable and need-based process for funding individual
23 projects and other program initiatives.
24 (7) Best practice models, while recognizing the desirability and utility
25 of innovative and promising projects that are not classified as best
26 practice models.

27 Not later than March 1, 2001, the Department shall report its plan for
28 consolidation, including its findings and recommendations, to the House of
29 Representatives Appropriations Subcommittee on Health and Human Services, the
30 Senate Appropriations Committee on Human Resources, and the Fiscal Research
31 Division.

32 33 **PART XIV.-----BILL AND RESOLUTION REFERENCES**

34 Section 14. Unless otherwise specified, the listed bill or resolution refers
35 to the measure introduced in the 1999 or 2000 Regular Session of the 1999 General
36 Assembly. The Commission may consider the original bill or resolution in
37 determining the nature, scope, and aspects of the study. The listing of the original
38 bill or resolution in this act is for reference purposes only and shall not be deemed to
39 incorporate by reference any of the substantive provisions contained in the original
40 bill or resolution.

41 42 **PART XV.-----EFFECTIVE DATE AND APPLICABILITY**

43 Section 15. Except as otherwise specifically provided, this act is effective
44 when it becomes law.

NORTH CAROLINA GENERAL ASSEMBLY AMENDMENT

(Please type or use ballpoint pen)

EDITION No. _____

H. B. No. _____

DATE _____

S. B. No. 787

Amendment No. 1

(to be filled in by
Principal Clerk)

COMMITTEE SUBSTITUTE _____

Rep.) HACKNEY

Sen.) _____

1 moves to amend the bill on page 6 -, line line 26

2 () WHICH CHANGES THE TITLE

3 by page 7 line 10

4 by deleting those lines

5 and by renumbering the

6 succeeding sections accordingly.

7

8

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16

17

18

19

SIGNED Hackney

ADOPTED _____ FAILED _____ TABLED _____

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1999

S

3

SENATE BILL 1385
Rules and Operations of the Senate Committee Substitute Adopted 7/6/00
Third Edition Engrossed 7/6/00

Short Title: Pro Tem Appointments.

(Public)

Sponsors:

Referred to:

May 23, 2000

1 A BILL TO BE ENTITLED
2 AN ACT TO APPOINT PERSONS TO VARIOUS PUBLIC OFFICES UPON THE
3 RECOMMENDATION OF THE PRESIDENT PRO TEMPORE OF THE
4 SENATE AND TO MAKE CHANGES IN THE LAW RELATING TO
5 APPOINTMENTS TO PUBLIC OFFICE.

6 Whereas, G.S. 120-121 authorizes the General Assembly to make certain
7 appointments to public offices upon the recommendation of the President Pro
8 Tempore of the Senate; and

9 Whereas, the President Pro Tempore of the Senate has made
10 recommendations; Now, therefore,
11 The General Assembly of North Carolina enacts:

12
13 PART I. PRESIDENT PRO TEMPORE'S RECOMMENDATIONS

14
15 Section 1.1. Julia Bryan Jones Daniels of Wake County and Linda
16 Godwin Murphy of Duplin County are appointed to the Board of Trustees of the
17 North Carolina Museum of Art for terms expiring on June 30, 2001.

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19 North Carolina Arboretum Board of Directors for a term expiring on June 30, 2004.

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40 term of Richard Taylor. Toby Turner of Wake County is appointed to the Wireless
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42 Matheson.

43 Section 1.33. Beth Rector is appointed to the Child Care Commission for
44 a term expiring on June 30, 2002.

1
2 PART II. STATUTORY AND SESSION LAW CHANGES
3

4 Section 2.1. Section 1 of S.L. 1997-40 reads as rewritten:

5 "Section 1. The Study Commission on the Future of Electric Service in North
6 Carolina is created. The Commission shall consist of ~~23~~ 24 voting members as
7 follows:

- 8 (1) Six members of the Senate to be appointed by the President Pro
-
- 9 Tempore of the Senate;
-
- 10 (2) Six members of the House of Representatives to be appointed by
-
- 11 the Speaker of the House of Representatives;
-
- 12 (3) The Chief Executive Officer of the North Carolina Electric
-
- 13 Membership Corporation or the Chief Executive Officer's
-
- 14 designee;
-
- 15 (4) The Chief Executive Officer of ElectriCities of North Carolina or
-
- 16 the Chief Executive Officer's designee;
-
- 17 (5) The Chief Executive Officer of Duke Power Company or the Chief
-
- 18 Executive Officer's designee;
-
- 19 (6) The Chief Executive Officer of Carolina Power and Light
-
- 20 Company or the Chief Executive Officer's designee;
-
- 21
- (6a) The Chief Executive Officer of North Carolina Power Company or
-
- 22
- the Chief Executive Officer's designee;
-
- 23 (7) Two residential consumers of electricity, one to be appointed by
-
- 24 the President Pro Tempore of the Senate and one to be appointed
-
- 25 by the Speaker of the House of Representatives;
-
- 26 (8) One commercial consumer of electricity to be appointed by the
-
- 27 President Pro Tempore of the Senate;
-
- 28 (9) Two industrial consumers of electricity, one to be appointed by the
-
- 29 Speaker of the House of Representatives and one to be appointed
-
- 30 by the President Pro Tempore of the Senate;
-
- 31 (10) One member of the environmental community to be appointed by
-
- 32 the Governor; and
-
- 33 (11) One person representing a nationwide electric power marketer to
-
- 34 be appointed by the Speaker of the House of Representatives.

35 The President Pro Tempore of the Senate and the Speaker of the House of
36 Representatives shall each designate a cochair from the General Assembly
37 membership serving on the Commission. The Commission shall meet upon the call
38 of the cochairs. A majority of the Commission shall constitute a quorum for the
39 transaction of business."

40 Section 2.2. Section 3.2 of S.L. 1999-395 reads as rewritten:

41 "Section 3.2. Membership. -- The Commission shall consist of ~~15~~ 17 members who
42 shall represent, insofar as practicable, the diverse interests and geographic regions of
43 the State and shall include individuals with expertise in tax policy, tax administration,
44 and professional tax practice.

1 The Speaker of the House of Representatives shall appoint ~~five~~ six members, as
2 follows: ~~two~~ three members of the General Assembly, one individual nominated by
3 the North Carolina League of Municipalities, one individual who represents business
4 taxpayers, and one public member.

5 The President Pro Tempore of the Senate shall appoint ~~five~~ six members, as
6 follows: ~~two~~ three members of the General Assembly, one individual nominated by
7 the North Carolina Association of County Commissioners, one individual who
8 represents nonbusiness taxpayers, and one public member.

9 The Governor shall appoint five members, as follows: one individual who
10 represents tax practitioners, one individual who represents nonprofit, charitable
11 organizations, one individual who has demonstrated leadership and expertise in tax
12 policy, one individual who represents senior citizens and one individual who
13 represents small business taxpayers.

14 Appointments to the Commission shall be made no later than August 31, ~~1999~~
15 2000. Vacancies shall be filled by the original appointing authority."

16 Section 2.3. G.S. 74C-4(b) reads as rewritten:

17 "(b) The Board shall consist of ~~10~~ 14 members: the Attorney General or his
18 designated representative, two persons appointed by the Attorney General, one
19 person appointed by the Governor, ~~three~~ five persons appointed by the General
20 Assembly upon the recommendation of the President Pro Tempore of the Senate, and
21 ~~three~~ five persons appointed by the General Assembly upon the recommendation of
22 the Speaker of the House of Representatives. All appointments by the General
23 Assembly shall be subject to the provisions of G.S. 120-121, and vacancies in the
24 positions filled by those appointments shall be filled pursuant to G.S. 120-122. One of
25 those persons appointed by the General Assembly upon the recommendation of the
26 President Pro Tempore of the Senate and all ~~three~~ five persons appointed by the
27 General Assembly upon the recommendation of the Speaker of the House of
28 Representatives shall be licensees under this Chapter; all other appointees may not be
29 licensees of the Board nor licensed by the Board while serving as Board members.
30 All persons appointed shall serve terms of three years. With the exception of the
31 Attorney General or his designated representative, no person shall serve more than
32 eight consecutive years on the Board, including years of service prior and subsequent
33 to July 1, 1983. Board members may continue to serve until their successors have
34 been appointed."

35 Section 2.4. G.S. 143B-131.6(i) reads as rewritten:

36 "(i) The Commission shall make its recommendations by ~~September~~ March 15 of
37 each year that terms expire for appointments for terms commencing ~~November~~ July 1
38 of that year; provided the initial appointments for terms commencing October 1,
39 1994, shall be made upon recommendation of the Roanoke Island Historical
40 Association."

41 Section 2.5. G.S. 160A-480.3(b) reads as rewritten:

42 "(b) Membership. -- An authority shall have eight or ~~17~~ 19 members. Members
43 shall be chosen for terms as follows:

- 1 (1) Four shall be appointed by the General Assembly upon the
2 recommendation of the Speaker of the House of Representatives in
3 accordance with G.S. 120-121, at least one of whom shall be a
4 resident of the territorial jurisdiction of the authority, and at least
5 one other of whom shall have been recommended by the board of
6 trustees of the constituent institution of The University of North
7 Carolina whose main campus is located within the county;
- 8 (2) Four shall be appointed by the General Assembly upon the
9 recommendation of the President Pro Tempore of the Senate in
10 accordance with G.S. 120-121, at least one of whom shall be a
11 resident of the territorial jurisdiction of the authority, and at least
12 one other of whom shall have been recommended by the Board of
13 Trustees of the constituent institution of The University of North
14 Carolina whose main campus is located within the county; and
- 15 (3) If the territorial jurisdiction of the authority is a county where the
16 main campus of a constituent institution of The University of
17 North Carolina is located, then:
- 18 a. Four members shall be appointed by the board of
19 commissioners of that county, one of whom at the time of
20 appointment is a resident of the municipality with the
21 second largest population in the county, according to the
22 most recent decennial federal census;
- 23 b. Four members shall be appointed by the city council of the
24 city with the largest population in the county, according to
25 the most recent decennial federal census;
- 26 c. ~~One member~~ Two members shall be appointed jointly by
27 the mayors of all the cities in that county.
- 28 d. The Chancellor of the main campus of a constituent
29 institution of The University of North Carolina within the
30 county, or the Chancellor's designee.

31 Beginning January 1, 1999, a majority of any executive committee, or other
32 committee however termed having supervisory or management authority over the
33 facility to be constructed by the authority, shall consist of authority members
34 appointed under this subdivision.

35 Neither the board of commissioners nor the city council may appoint a member of
36 its board to serve on the authority.

37 Two of the initial appointments under subdivision (1) of this subsection, two of the
38 initial appointments under subdivision (2) of this subsection, one of the initial
39 appointments under subdivision (3)a. of this subsection, and one of the initial
40 appointments under subdivision (3)b. of this section shall be for terms expiring July 1
41 of the second year after the year in which the authority is created. The remaining
42 initial appointments shall be for terms expiring July 1 of the fourth year after the year
43 in which the authority is created. The third member appointed by the board of
44 commissioners shall serve a term beginning January 1, 1999, and expiring July 1,

1 2001, and the fourth member appointed by the board of commissioners shall serve a
2 term beginning January 1, 1999, and expiring July 1, 2003. The third member
3 appointed by the city council shall serve a term beginning January 1, 1999, and
4 expiring July 1, 2001, and the fourth member appointed by the city council shall
5 serve a term beginning January 1, 1999, and expiring July 1, 2003. Of the two
6 appointments made by the General Assembly in 1999 and quadrennially thereafter
7 upon the recommendation of the Speaker of the House of Representatives, one shall
8 be the person recommended by the board of trustees of the constituent institution of
9 The University of North Carolina whose main campus is located within the county.
10 Of the two appointments made by the General Assembly in 1999 and quadrennially
11 thereafter upon the recommendation of the President Pro Tempore of the Senate, one
12 shall be the person recommended by the board of trustees of the constituent
13 institution of The University of North Carolina whose main campus is located within
14 the county. The second member appointed under subdivision (3)c. of this section
15 shall serve an initial term expiring July 1, 2003. Successors shall be appointed in the
16 same manner for four-year terms. A member may be removed by the appointing
17 authority for cause. Vacancies occurring in the membership of the authority shall be
18 filled by the remaining members."

19

20 PART III. EFFECTIVE DATE

21

22 Section 3.1. Unless otherwise specified, all appointments made by this
23 act are for terms to begin July 1, 2000.

24

Section 3.2. This act is effective when it becomes law.

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1999

S

D

SENATE BILL 1385
Rules and Operations of the Senate Committee Substitute Adopted 7/6/00
Third Edition Engrossed 7/6/00
Proposed House Committee Substitute S1385-PCS7810-LG2

Short Title: Pro Tem & Speaker Appointments.

(Public)

Sponsors:

Referred to:

May 23, 2000

1 A BILL TO BE ENTITLED
2 AN ACT TO APPOINT PERSONS TO VARIOUS PUBLIC OFFICES UPON THE
3 RECOMMENDATION OF THE PRESIDENT PRO TEMPORE OF THE
4 SENATE OR THE SPEAKER OF THE HOUSE OF REPRESENTATIVES, AND
5 TO MAKE CHANGES IN THE LAW RELATING TO APPOINTMENTS TO
6 PUBLIC OFFICE.

7 Whereas, G.S. 120-121 authorizes the General Assembly to make certain
8 appointments to public offices upon the recommendation of the President Pro
9 Tempore of the Senate; and

10 Whereas, the President Pro Tempore of the Senate has made
11 recommendations; and

12 Whereas, G.S. 120-121 authorizes the General Assembly to make certain
13 appointments to public offices upon the recommendation of the Speaker of the House
14 of Representatives; and

15 Whereas, the Speaker of the House of Representatives has made
16 recommendations; Now, therefore,

17 The General Assembly of North Carolina enacts:

18

19 PART I. PRESIDENT PRO TEMPORE'S RECOMMENDATIONS

20

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2 Godwin Murphy of Duplin County are appointed to the Board of Trustees of the
3 North Carolina Museum of Art for terms expiring on June 30, 2001.

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5
6 PART IA. SPEAKER'S RECOMMENDATIONS

7
8 Section 1A.1. R. Bradley Smith, Jr. of Mecklenburg County is appointed
9 to the Alarm Systems Licensing Board for a term to expire on June 30, 2003.

10 Section 1A.2. Kaye A. Myers of Buncombe County is appointed to the
11 North Carolina Arboretum Board of Directors for a term expiring on June 30, 2004.

12 Section 1A.3. Dr. Thomas J. Newton of Sampson County is appointed to
13 the North Carolina Board of Athletic Trainer Examiners for a term expiring on June
14 30, 2002.

15 Section 1A.4. Dr. Galen Grayson of Mecklenburg County is appointed to
16 the North Carolina State Boxing Commission for a term expiring on December 31,
17 2002.

18 Section 1A.5. John Feezor of Union County is appointed to the State
19 Building Commission for a term expiring on June 30, 2003.

20 Section 1A.6. Debi Mull Harrill of Cleveland County and Laura
21 Pennington of Jackson County are appointed to the Child Care Commission for terms
22 expiring on June 30, 2002.

23 Section 1A.7. Sam Vaughan, III of Durham County is appointed to the
24 North Carolina Code Officials Qualification Board for a term expiring on June 30,
25 2004.

26 Section 1A.8. Ree Lomax of Wake County is appointed to the State
27 Board of Cosmetic Art Examiners for a term expiring on June 30, 2003.

28 Section 1A.9. Richard Davis of Forsyth County is appointed to the
29 Disciplinary Hearing Commission of the North Carolina State Bar for a term expiring
30 on June 30, 2003.

31 Section 1A.10. Lillie Brown of Guilford County, Brian Coyle of Wake
32 County, Scott Dedmond of Buncombe County, Constance Stancil of Durham County,
33 and E. G. Fowler of Watauga County are appointed to the North Carolina Housing
34 Partnership for terms expiring June 30, 2003.

35 Section 1A.11. Linda Livingston of Guilford County and Danny
36 Chandler of Wake County are appointed to the North Carolina Manufactured
37 Housing Board for terms expiring on June 30, 2003.

38 Section 1A.12. Rick Rosen of Chatham County is appointed to the North
39 Carolina Board of Massage and Bodywork Therapy for a term expiring on June 30,
40 2003.

41 Section 1A.13. Alan Briggs of Wake County is appointed to the Natural
42 Heritage Trust Fund Board of Trustees for a term expiring on December 31, 2005.

1 Section 1A.14. Sherry Thomas of Wake County is appointed to the
2 North Carolina Center for Nursing Board of Directors for a term expiring on June
3 30, 2003.

4 Section 1A.15. Roy Alexander of Mecklenburg County and Mary Rowe
5 of Wayne County are appointed to the North Carolina Parks and Recreation
6 Authority for terms expiring on June 30, 2002.

7 Section 1A.16. Calvin Wellons of Carteret County is appointed to the
8 North Carolina State Ports Authority for a term expiring on June 30, 2002.

9 Section 1A.17. Tim McIntyre of Davie County, Carlton Miles of
10 Mecklenburg County, and Grady W. Conner of Catawba County are appointed to the
11 Private Protective Services Board for terms expiring on June 30, 2003.

12 Section 1A.18. Joe Bryan of Guilford County, William Massey of
13 Mecklenburg County, and Louisa Dollard of Dare County are appointed to the
14 Roanoke Island Commission for terms expiring on June 30, 2002.

15 Section 1A.19. Paul Powell of Wake County is appointed to the Rules
16 Review Commission for a term expiring on June 30, 2002.

17 Section 1A.20. Dr. Geraldine Miller of Watauga County is appointed to
18 the North Carolina Substance Abuse Professional Certification Board for a term
19 expiring on June 30, 2003.

20 Section 1A.21. William W. Hill, Jr., of Nash County is appointed to the
21 Board of Trustees of the Teachers' and State Employees' Comprehensive Major
22 Medical Plan for a term expiring on June 30, 2002.

23 Section 1A.22. Katherine Hazelton of Guilford County is appointed to
24 the North Carolina Teaching Fellows Commission for a term expiring on June 30,
25 2004.

26 Section 1A.23. Peggy Pruett of Forsyth County is appointed to the North
27 Carolina State Board of Therapeutic Recreation Certification for a term expiring on
28 June 30, 2003.

29 Section 1A.24. Jeff Dillard of Halifax County is appointed to the Well
30 Contractors Certification Commission for a term expiring on June 30, 2003.

31

32 PART II. STATUTORY AND SESSION LAW CHANGES

33

34 --STUDY COMMISSION ON THE FUTURE OF ELECTRIC SERVICE IN 35 NORTH CAROLINA

36 Section 2.1. Section 1 of S.L. 1997-40, as amended by S.L. 1999-122,
37 reads as rewritten:

38 "Section 1. The Study Commission on the Future of Electric Service in North
39 Carolina is created. The Commission shall consist of ~~29~~ 30 voting members as
40 follows:

41 (1) Nine members of the Senate to be appointed by the President Pro
42 Tempore of the Senate;

43 (2) Nine members of the House of Representatives to be appointed by
44 the Speaker of the House of Representatives;

- 1 (3) The Chief Executive Officer of the North Carolina Electric
2 Membership Corporation or the Chief Executive Officer's
3 designee;
- 4 (4) The Chief Executive Officer of ElectriCities of North Carolina or
5 the Chief Executive Officer's designee;
- 6 (5) The Chief Executive Officer of Duke Power Company or the Chief
7 Executive Officer's designee;
- 8 (6) The Chief Executive Officer of Carolina Power and Light
9 Company or the Chief Executive Officer's designee;
- 10 (6a) The Chief Executive Officer of North Carolina Power Company or
11 the Chief Executive Officer's designee;
- 12 (7) Two residential consumers of electricity, one to be appointed by
13 the President Pro Tempore of the Senate and one to be appointed
14 by the Speaker of the House of Representatives;
- 15 (8) One commercial consumer of electricity to be appointed by the
16 President Pro Tempore of the Senate;
- 17 (9) Two industrial consumers of electricity, one to be appointed by the
18 Speaker of the House of Representatives and one to be appointed
19 by the President Pro Tempore of the Senate;
- 20 (10) One member of the environmental community to be appointed by
21 the Governor; and
- 22 (11) One person representing a nationwide electric power marketer to
23 be appointed by the Speaker of the House of Representatives.

24 The President Pro Tempore of the Senate and the Speaker of the House of
25 Representatives shall each designate a cochair from the General Assembly
26 membership serving on the Commission. The Commission shall meet upon the call
27 of the cochairs. A majority of the Commission shall constitute a quorum for the
28 transaction of business."

29

30 --NORTH CAROLINA TAX POLICY COMMISSION

31 Section 2.2. Section 3.2 of S.L. 1999-395 reads as rewritten:

32 "Section 3.2. Membership. -- The Commission shall consist of ~~15~~ 17 members who
33 shall represent, insofar as practicable, the diverse interests and geographic regions of
34 the State and shall include individuals with expertise in tax policy, tax administration,
35 and professional tax practice.

36 The Speaker of the House of Representatives shall appoint ~~five~~ six members, as
37 follows: ~~two~~ three members of the General Assembly, one individual nominated by
38 the North Carolina League of Municipalities, one individual who represents business
39 taxpayers, and one public member.

40 The President Pro Tempore of the Senate shall appoint ~~five~~ six members, as
41 follows: ~~two~~ three members of the General Assembly, one individual nominated by
42 the North Carolina Association of County Commissioners, one individual who
43 represents nonbusiness taxpayers, and one public member.

1 The Governor shall appoint five members, as follows: one individual who
2 represents tax practitioners, one individual who represents nonprofit, charitable
3 organizations, one individual who has demonstrated leadership and expertise in tax
4 policy, one individual who represents senior citizens and one individual who
5 represents small business taxpayers.

6 Appointments to the Commission shall be made no later than August 31, ~~1999~~
7 2000. Vacancies shall be filled by the original appointing authority."

8

9 --PRIVATE PROTECTIVE SERVICES BOARD

10 Section 2.3. G.S. 74C-4(b) reads as rewritten:

11 "(b) The Board shall consist of ~~10~~ 14 members: the Attorney General or his
12 designated representative, two persons appointed by the Attorney General, one
13 person appointed by the Governor, ~~three~~ five persons appointed by the General
14 Assembly upon the recommendation of the President Pro Tempore of the Senate, and
15 ~~three~~ five persons appointed by the General Assembly upon the recommendation of
16 the Speaker of the House of Representatives. All appointments by the General
17 Assembly shall be subject to the provisions of G.S. 120-121, and vacancies in the
18 positions filled by those appointments shall be filled pursuant to G.S. 120-122. One of
19 those persons appointed by the General Assembly upon the recommendation of the
20 President Pro Tempore of the Senate and all ~~three~~ five persons appointed by the
21 General Assembly upon the recommendation of the Speaker of the House of
22 Representatives shall be licensees under this Chapter; all other appointees may not be
23 licensees of the Board nor licensed by the Board while serving as Board members.
24 All persons appointed shall serve terms of three years. With the exception of the
25 Attorney General or his designated representative, no person shall serve more than
26 eight consecutive years on the Board, including years of service prior and subsequent
27 to July 1, 1983. Board members may continue to serve until their successors have
28 been appointed."

29

30 --ROANOKE ISLAND COMMISSION

31 Section 2.4. G.S. 143B-131.6(i) reads as rewritten:

32 "(i) The Commission shall make its recommendations by ~~September~~ March 15 of
33 each year that terms expire for appointments for terms commencing ~~November~~ July 1
34 of that year; provided the initial appointments for terms commencing October 1,
35 1994, shall be made upon recommendation of the Roanoke Island Historical
36 Association."

37

38 --CENTENNIAL AUTHORITY

39 Section 2.5. G.S. 160A-480.3(b) reads as rewritten:

40 "(b) Membership. -- An authority shall have eight or ~~17~~ 19 members. Members
41 shall be chosen for terms as follows:

42 (1) Four shall be appointed by the General Assembly upon the
43 recommendation of the Speaker of the House of Representatives in
44 accordance with G.S. 120-121, at least one of whom shall be a

1 resident of the territorial jurisdiction of the authority, and at least
2 one other of whom shall have been recommended by the board of
3 trustees of the constituent institution of The University of North
4 Carolina whose main campus is located within the county;

5 (2) Four shall be appointed by the General Assembly upon the
6 recommendation of the President Pro Tempore of the Senate in
7 accordance with G.S. 120-121, at least one of whom shall be a
8 resident of the territorial jurisdiction of the authority, and at least
9 one other of whom shall have been recommended by the Board of
10 Trustees of the constituent institution of The University of North
11 Carolina whose main campus is located within the county; and

12 (3) If the territorial jurisdiction of the authority is a county where the
13 main campus of a constituent institution of The University of
14 North Carolina is located, then:

15 a. Four members shall be appointed by the board of
16 commissioners of that county, one of whom at the time of
17 appointment is a resident of the municipality with the
18 second largest population in the county, according to the
19 most recent decennial federal census;

20 b. Four members shall be appointed by the city council of the
21 city with the largest population in the county, according to
22 the most recent decennial federal census;

23 c. ~~One member~~ Two members shall be appointed jointly by
24 the mayors of all the cities in that county.

25 d. The Chancellor of the main campus of a constituent
26 institution of The University of North Carolina within the
27 county, or the Chancellor's designee.

28 Beginning January 1, 1999, a majority of any executive committee, or other
29 committee however termed having supervisory or management authority over the
30 facility to be constructed by the authority, shall consist of authority members
31 appointed under this ~~subdivision~~ subsection.

32 Neither the board of commissioners nor the city council may appoint a member of
33 its board to serve on the authority.

34 Two of the initial appointments under subdivision (1) of this subsection, two of the
35 initial appointments under subdivision (2) of this subsection, one of the initial
36 appointments under subdivision (3)a. of this subsection, and one of the initial
37 appointments under subdivision (3)b. of this section shall be for terms expiring July 1
38 of the second year after the year in which the authority is created. The remaining
39 initial appointments shall be for terms expiring July 1 of the fourth year after the year
40 in which the authority is created. The third member appointed by the board of
41 commissioners shall serve a term beginning January 1, 1999, and expiring July 1,
42 2001, and the fourth member appointed by the board of commissioners shall serve a
43 term beginning January 1, 1999, and expiring July 1, 2003. The third member
44 appointed by the city council shall serve a term beginning January 1, 1999, and

1 expiring July 1, 2001, and the fourth member appointed by the city council shall
2 serve a term beginning January 1, 1999, and expiring July 1, 2003. Of the two
3 appointments made by the General Assembly in 1999 and quadrennially thereafter
4 upon the recommendation of the Speaker of the House of Representatives, one shall
5 be the person recommended by the board of trustees of the constituent institution of
6 The University of North Carolina whose main campus is located within the county.
7 Of the two appointments made by the General Assembly in 1999 and quadrennially
8 thereafter upon the recommendation of the President Pro Tempore of the Senate, one
9 shall be the person recommended by the board of trustees of the constituent
10 institution of The University of North Carolina whose main campus is located within
11 the county. The second member appointed under sub-subdivision (3)c. of this section
12 shall serve an initial term expiring July 1, 2003. Successors shall be appointed in the
13 same manner for four-year terms. A member may be removed by the appointing
14 authority for cause. Vacancies occurring in the membership of the authority shall be
15 filled by the remaining members."

16

17 --NORTH CAROLINA REAL ESTATE COMMISSION

18 Section 2.6.(a) Section 6 of S.L. 1999-405 reads as rewritten:

19 "Section 6. Upon the recommendation of the Speaker of the House of
20 Representatives, William Lackey of Mecklenburg County is appointed to the North
21 Carolina Real Estate Commission for a term expiring ~~June 30, 2002.~~ July 31, 2002."

22 Section 2.6.(b) Subsection 3.4(b) of S.L. 1999-431 reads as rewritten:

23 "Section 3.4.(b) Appointments of the initial members authorized by this section are
24 for terms expiring ~~June 30, 2002.~~ July 31, 2002."25 Section 2.6.(c) The term of Raymond A. Bass, Jr. to the North Carolina
26 Real Estate Commission is hereby extended to July 31, 2004.

27

28 --STATE BOARD OF CHIROPRACTIC EXAMINERS

29 Section 2.7.(a). G.S. 90-139 reads as rewritten:

30 "**§ 90-139. Creation and membership of Board of Examiners.**31 (a) The State Board of Chiropractic Examiners is created to consist of eight
32 members appointed by the ~~Governor,~~ Governor and General Assembly. ~~Seven~~ Six of
33 the members shall be practicing doctors of chiropractic, who are residents of this
34 State and who have actively practiced chiropractic in the State for at least eight
35 consecutive years immediately preceding their appointments; ~~five~~ four of these ~~seven~~
36 six members shall be appointed by the Governor, and two by the General Assembly
37 in accordance with G.S. 120-121, one each upon the recommendation of the
38 President Pro Tempore of the Senate and the Speaker of the House of
39 Representatives. No more than three members of the Board may be graduates of the
40 same college or school of chiropractic. The other ~~member~~ two members shall be a
41 ~~person~~ persons chosen by the Governor to represent the public at large. The public
42 ~~member~~ members shall not be a health care ~~provider~~ providers nor the ~~spouse~~
43 spouses of a health care ~~provider.~~ providers. For purposes of Board membership,
44 "health care provider" means any licensed health care professional and any agent or

1 employee of any health care institution, health care insurer, health care professional
2 school, or a member of any allied health profession. For purposes of this section, a
3 person enrolled in a program to prepare him to be a licensed health care professional
4 or an allied health professional shall be deemed a health care provider. For purposes
5 of this section, any person with significant financial interest in a health service or
6 profession is not a public member."

7 Section 2.7.(b). This section is effective when it becomes law and shall
8 apply to the next appointment by the Governor to replace a member who is a
9 practicing doctor of chiropractic.

10

11 PART III. EFFECTIVE DATE

12

13 Section 3.1. Unless otherwise specified, all appointments made by this
14 act are for terms to begin July 1, 2000.

15

 Section 3.2. This act is effective when it becomes law.

NORTH CAROLINA GENERAL ASSEMBLY AMENDMENT

(Please type or use ballpoint pen)

EDITION No. _____

H. B. No. _____

DATE 7/12/08

S. B. No. 1385

Amendment No. 1

(to be filled in by
Principal Clerk)

COMMITTEE SUBSTITUTE _____

Rep.)

~~Sen.)~~

1 moves to amend the bill on page 5, line 15

2 () WHICH CHANGES THE TITLE

3 by deleting the word "County" the second time
4 that word appears; and

5
6 on page 5, line 20,
7 be rewriting that line to read:

8
9 "SECTION 1A.21. William W. Hu, Jr. of Nash
10 County is appointed to the BOARD of".

11
12
13
14
15
16
17
18
19

SIGNED *Bob Palmer*

ADOPTED FAILED TABLED

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1999

S

3

SENATE BILL 1335
Judiciary I Committee Substitute Adopted 7/6/00
Third Edition Engrossed 7/6/00

Short Title: 2000 Technical Corrections.

(Public)

Sponsors:

Referred to:

May 18, 2000

1 A BILL TO BE ENTITLED
2 AN ACT TO MAKE TECHNICAL CORRECTIONS AND CONFORMING
3 CHANGES TO THE GENERAL STATUTES AS RECOMMENDED BY THE
4 GENERAL STATUTES COMMISSION, TO MAKE OTHER TECHNICAL AND
5 CONFORMING CHANGES, AND TO AMEND LAWS RELATING TO
6 URBAN WATERFRONT DEVELOPMENT AND THE CLASSIFICATION OF
7 GAMMA HYDROXYBUTYRIC ACID (GHB) AS A CONTROLLED
8 SUBSTANCE.

9 The General Assembly of North Carolina enacts:

10 Section 1. G.S. 7A-38.4(1) reads as rewritten:

11 "(1) The Supreme Court may adopt standards for the certification and conduct of
12 mediators and other neutrals who participate in settlement procedures conducted
13 pursuant to this section. The standards may also regulate mediator training programs.
14 The Supreme Court may adopt procedures for the enforcement of those standards.
15 The administration of mediator certification, regulation of mediator conduct, and
16 decertification shall be conducted through the Dispute Resolution Commission."

17 Section 2. G.S. 18B-603(f)(8) reads as rewritten:

18 "(8) The permits authorized by ~~G.S. 18B-100(1)~~, G.S. 18B-100(1), (3),
19 (5), and (10) for tourism resorts;"

20 Section 3. G.S. 20-19(c3)(3) reads as rewritten:

21 "(3) For any restoration of a drivers license for a person convicted of
22 driving while impaired in a commercial motor vehicle, G.S. 20-

1 138.2, driving while less than 21 years old after consuming alcohol
2 or drugs, G.S. 20-138.3, felony death by vehicle, G.S. 20-141.4(a1),
3 manslaughter or negligent homicide resulting from the operation of
4 a motor vehicle when the offense involved impaired driving, or a
5 revocation under this subsection, that the person not operate a
6 vehicle with an alcohol concentration of greater than 0.00 ~~or more~~
7 at any relevant time after the driving;"

8 Section 4. G.S. 20-19(c3)(4) reads as rewritten:

9 "(4) For any restoration of a drivers license revoked pursuant to G.S.
10 20-23 or G.S. 20-23.2 when the offense for which the person's
11 license was revoked prohibits substantially similar conduct which if
12 committed in this State would result in a conviction of driving
13 while impaired in a commercial motor vehicle, G.S. 20-138.2,
14 driving while less than 21 years old after consuming alcohol or
15 drugs, G.S. 20-138.3, felony death by vehicle, G.S. 20-141.4(a1), or
16 manslaughter or negligent homicide resulting from the operation of
17 a motor vehicle when the offense involved impaired driving, that
18 the person not operate a vehicle with an alcohol concentration of
19 greater than 0.00 ~~or more~~ at any relevant time after the driving."

20 Section 5. G.S. 20-138.2A(b2) reads as rewritten:

21 "(b2) Alcohol Screening Test. -- Notwithstanding any other provision of law, an
22 alcohol screening test may be administered to a driver suspected of violation of
23 subsection (a) of this section, and the results of an alcohol screening test or the
24 driver's refusal to submit may be used by a law enforcement officer, a court, or an
25 administrative agency in determining if alcohol was present in the driver's body. No
26 alcohol screening tests are valid under this section unless the device used is one
27 approved by the Commission ~~on~~ for Health Services, and the screening test is
28 conducted in accordance with the applicable regulations of the Commission as to its
29 manner and use."

30 Section 6. G.S. 20-138.2B(b2) reads as rewritten:

31 "(b2) Alcohol Screening Test. -- Notwithstanding any other provision of law, an
32 alcohol screening test may be administered to a driver suspected of violation of
33 subsection (a) of this section, and the results of an alcohol screening test or the
34 driver's refusal to submit may be used by a law enforcement officer, a court, or an
35 administrative agency in determining if alcohol was present in the driver's body. No
36 alcohol screening tests are valid under this section unless the device used is one
37 approved by the Commission ~~on~~ for Health Services, and the screening test is
38 conducted in accordance with the applicable regulations of the Commission as to its
39 manner and use."

40 Section 7. G.S. 20-138.3(b2) reads as rewritten:

41 "(b2) Alcohol Screening Test. -- Notwithstanding any other provision of law, an
42 alcohol screening test may be administered to a driver suspected of violation of
43 subsection (a) of this section, and the results of an alcohol screening test or the
44 driver's refusal to submit may be used by a law enforcement officer, a court, or an

1 administrative agency in determining if alcohol was present in the driver's body. No
2 alcohol screening tests are valid under this section unless the device used is one
3 approved by the Commission ~~on~~ for Health Services, and the screening test is
4 conducted in accordance with the applicable regulations of the Commission as to its
5 manner and use."

6 Section 8. G.S. 31B-4(a) reads as rewritten:

7 "(a) The right to renounce property or an interest therein is barred by:

- 8 (1) An assignment, conveyance, encumbrance, pledge, or transfer of
9 the property or interest, or a contract therefor by the person
10 authorized to renounce,
11 (2) A written waiver of the right to renounce, or
12 (3) Repealed by Session Laws 1998-148, s. 4.
13 (4) A sale of the property or interest under judicial sale made before
14 the renunciation is effected."

15 Section 9. G.S. 43-46 reads as rewritten:

16 "**§ 43-46. Notice of delinquent taxes filed.**

17 It shall be the duty of the tax collector of each taxing unit, not later than June 30
18 following the date the taxes became delinquent, to file an exact memorandum of the
19 delinquency, if any, of any registered land for the nonpayment of the taxes or
20 assessments thereon, including ~~the~~ interest, in the office of the register of deeds for
21 registration; and if such officer fails to perform such duty, and there shall be
22 subsequent to such day a transfer of the land as hereinbefore provided, the grantee
23 shall acquire a good title free from any lien for such taxes and assessments, and the
24 collector and his sureties shall be liable for the payment of the taxes and assessments
25 with the interest thereon. The register of deeds shall enter the notice of delinquency
26 on the record copy of the certificate of title, and the tax lien shall be valid against the
27 registered estate from the time it is noted on the record copy. The register of deeds
28 shall enter the notice of cancellation of the tax lien on the record copy of the
29 certificate of title upon presentation of satisfactory evidence of payment."

30 Section 10.(a) Section 2.2 of S.L. 1999-189 and Section 50 of S.L. 1999-
31 456 are repealed.

32 Section 10.(b) G.S. 57C-2-20 reads as rewritten:

33 "**§ 57C-2-20. Formation.**

34 (a) One or more persons may ~~organize~~ form a limited liability company by
35 delivering executed articles of organization to the Secretary of State for filing. A
36 limited liability company may also be formed through the conversion of another
37 business entity pursuant to Part 1 of Article 9A of this Chapter.

38 (b) (1) When the filing by the Secretary of State ~~files of~~ the articles of
39 ~~organization;~~ organization becomes effective, the proposed
40 organization becomes a limited liability company subject to this
41 Chapter and to the purposes, conditions, and provisions stated in
42 the ~~articles, and the person executing the articles of organization~~
43 ~~become members of the limited liability company.~~ articles of
44 organization.

1 (2) Filing of the articles of organization by the Secretary of State is
2 conclusive evidence of the ~~organization~~ formation of the limited
3 liability company, except in a proceeding by the State to cancel or
4 revoke the articles of organization or involuntarily dissolve the
5 limited liability company.

6 (c) If initial members are not identified in the articles of organization of a limited
7 liability company in the manner provided in G.S. 57C-3-01(a), the organizers shall
8 hold one or more meetings at the call of a majority of the organizers to identify the
9 initial members of the limited liability company. Unless otherwise provided in this
10 Chapter or in the articles of organization of the limited liability company, all
11 decisions to be made by the organizers at such meetings shall require the approval,
12 consent, agreement, or ratification of a majority of the organizers. Unless otherwise
13 provided in the articles of organization, the organizers may, in lieu of a meeting, take
14 action as described in this subsection by written consent signed by all of the
15 organizers. The written consent may be incorporated in, or otherwise made part of,
16 the initial written operating agreement of the limited liability company."

17 Section 11. G.S. 58-7-70 reads as rewritten:

18 "**§ 58-7-70. Effects of redomestication.**

19 The ~~license~~, agent appointments and licenses, rates, and other items that the
20 Commissioner authorizes or grants, in his discretion, that are in existence at the time
21 any insurer licensed to transact the business of insurance in this State transfers its
22 corporate domicile to this or any other state by merger, consolidation, or any other
23 lawful method, shall continue in full force and effect upon such transfer if such
24 insurer remains duly licensed to transact the business of insurance in this State. All
25 outstanding policies of any transferring insurer shall remain in full force and effect
26 and need not be endorsed as to any new name of the insurer or its new location
27 unless so ordered by the Commissioner. Every transferring insurer shall file new
28 policy forms with the Commissioner on or before the effective date of the transfer,
29 but may use existing policy forms with appropriate endorsements if allowed by, and
30 under such conditions as approved by, the Commissioner: Provided, however, every
31 such transferring insurer shall (i) notify the Commissioner of the details of the
32 proposed transfer and (ii) promptly file any resulting amendments to corporate
33 documents filed or required to be filed with the Commissioner."

34 Section 12. G.S. 58-28-15 reads as rewritten:

35 "**§ 58-28-15. Validity of acts or contracts of unauthorized company shall not impair**
36 **obligation of contract as to the company; maintenance of suits; right to defend.**

37 The failure of a company to obtain a license shall not impair the validity of any
38 acts or contracts of the company. Any person or insured holding contracts of
39 insurance of an unauthorized insurer may bring an action in the courts of this State
40 under the provisions of G.S. 58-16-35 for the enforcement of any rights pursuant to
41 the contract of insurance. The failure of the insurance company to obtain a license
42 shall not prevent such company from defending any action at law or suit in equity in
43 any court of this State so long as the said company fully complies with the provisions
44 of G.S. 58-16-35(c), but no company transacting insurance business in this State

1 without a license shall be permitted to maintain an action at law or in equity in any
2 court of this State to enforce any right, claim or demand arising out of the transaction
3 of such business until such company shall have obtained a license. Nor shall an action
4 at law or in equity be maintained in any court of this State by any successor or
5 assignee of such company on any such right, claim or demand originally held by such
6 company until a license shall have been obtained by the company or by a company
7 which has acquired all or substantially all of its assets. Nothing in this section shall be
8 construed to abrogate the conditions of admission into this State nor to impair the
9 authority of the Commissioner with respect to the issuance of ~~certificates of authority~~
10 ~~licenses~~. licenses. The Commissioner in considering the issuance of a license shall
11 take into consideration the acts or transactions which an unauthorized company has
12 engaged in in this State prior to its application for a license."

13 Section 13. G.S. 58-30-10(6) reads as rewritten:

14 "(6) 'Doing business' includes any of the following acts by insurers,
15 whether effected by mail or otherwise:

- 16 a. The issuance or delivery of contracts of insurance to persons
17 resident in this State;
- 18 b. The solicitation of applications for such contracts, or other
19 negotiations preliminary to the execution of such contracts;
- 20 c. The collection of premiums, membership fees, assessments,
21 or other consideration for such contracts;
- 22 d. The transaction of matters subsequent to execution of such
23 contracts and arising out of them;
- 24 e. Operating as an insurer under a license ~~or license~~ issued by
25 the Department; or
- 26 f. The purchase of contracts of insurance issued to persons in
27 this State by an assumption agreement."

28 Section 14. G.S. 58-30-55(2) reads as rewritten:

29 "**§ 58-30-55. Condition on release from delinquency proceedings.**

30 No insurer that is subject to any delinquency proceedings, whether formal or
31 informal, administrative or judicial, shall:

- 32 (1) Be released from such proceeding, unless such proceeding is
33 converted into a judicial rehabilitation or liquidation proceeding;
- 34 (2) Be permitted to solicit or accept new business or request or accept
35 the restoration of any suspended or revoked ~~license or~~ license;
- 36 (3) Be returned to the control of its shareholders or private
37 management; or
- 38 (4) Have any of its assets returned to the control of its shareholders or
39 private management;

40 until all payments of or on account of the insurer's contractual obligations by all
41 guaranty associations, along with all expenses thereof and interest on all such
42 payments and expenses, have been repaid to the guaranty associations or a plan of
43 repayment by the insurer shall have been approved by the guaranty associations."

44 Section 15. G.S. 58-42-45(a) reads as rewritten:

1 "(a) The provisions of Chapter 150B of the General Statutes shall apply to this
2 Article.

3 ~~shall pursuant to~~".

4 Section 16. G.S. 58-50-1 reads as rewritten:

5 "**§ 58-50-1. Waiver by insurer.**

6 The acknowledgment by any insurer of the receipt of notice given under any
7 policy covered by Articles 49, 50 through 55, 65, or 67 of this Chapter, or the
8 furnishing of forms for filing proofs of loss, or the acceptance of such proofs, or the
9 investigation of any claim ~~[under]~~ under the policy, shall not operate as a waiver of
10 any of the rights of the insurer in defense of any claim arising under the policy."

11 Section 17. G.S. 59-201(a) reads as rewritten:

12 "(a) In order to form a limited partnership, a certificate of limited partnership
13 must be executed and filed in the office of the Secretary of State and set forth:

14 (1) The name of the limited ~~partnership;~~ partnership.

15 (2) The address, including county and city or town, and street and
16 number, if any, of the registered office and the name of the
17 registered agent at such address for service of process required to
18 be maintained by ~~G.S. 59-105;~~ G.S. 59-105.

19 (3) The latest date upon which the limited partnership is to ~~dissolve;~~
20 and dissolve.

21 (4) The name and the address, including county and city or town, and
22 street and number, if any, of each general partner.

23 (5) The address, including county and city or town, and street and
24 number, if any, of the office at which the records referred to in
25 G.S. 59-106 are kept, if such records are not kept at the registered
26 office."

27 Section 18. G.S. 89C-12 reads as rewritten:

28 "**§ 89C-12. Records and reports of Board; evidence.**

29 The Board shall keep a record of its proceedings and a register of all applicants for
30 licensure, showing for each the date of application, name, age, education, and other
31 qualifications, place of business and place of residence, whether the applicant was
32 rejected or a certificate of licensure granted, and the date licensure was rejected or
33 granted. The books and register of the Board shall be prima facie evidence of all
34 matters recorded by the Board, and a copy duly certified by the secretary of the
35 Board under seal shall be admissible in evidence as if the original were produced. A
36 roster showing the names and places of business and of residence of all licensed
37 professional engineers and all licensed professional land surveyors shall be prepared
38 by the secretary of the Board current to the month of January of each year. The
39 roster shall be printed by the Board out of the Board's fund and distributed as
40 described in the Board's rules. On or before the first day of May of each year, the
41 Board shall submit to the Governor a report on its transactions for the preceding
42 year, and shall file with the Secretary of State a copy of the report, together with a
43 complete statement of the receipts and expenditures of the Board attested by the

1 chair and the secretary and a copy of the the roster of licensed professional engineers
2 and professional land surveyors."

3 Section 19.(a) G.S. 93A-3(a) reads as rewritten:

4 "(a) There is hereby created the North Carolina Real Estate Commission,
5 hereinafter called the Commission. The Commission shall consist of nine members,
6 seven members to be appointed by the Governor, one member to be appointed by
7 the General Assembly upon the recommendation of the President Pro Tempore of
8 the Senate in accordance with G.S. 120-121, and one member to be appointed by the
9 General Assembly upon the recommendation of the Speaker of the House of
10 Representatives in accordance with G.S. 120-121. At least three members of the
11 Commission shall be licensed real estate brokers or real estate ~~salesmen~~ salespersons.
12 At least two members of the Commission shall be persons who are not involved
13 directly or indirectly in the real estate or real estate appraisal business. Members of
14 the Commission shall serve three-year terms, so staggered that the terms of ~~two~~ three
15 members expire in one year, the terms of ~~two~~ three members expire in the next year,
16 and the terms of three members expire in the third year of each three-year period.
17 The members of the Commission shall elect one of their members to serve as
18 chairman of the Commission for a term of one year. The Governor may remove any
19 member of the Commission for misconduct, incompetency, or willful neglect of duty.
20 The Governor shall have the power to fill all vacancies occurring on the Commission,
21 except vacancies in legislative appointments shall be filled under G.S. 120-122."

22 Section 19.(b) The Revisor of Statutes is authorized to delete any
23 reference to the words "salesman", "salesman's", "salesmen", and "salesmen's"
24 wherever they appear in Chapter 93A of the General Statutes and to substitute, as
25 appropriate, the words "salesperson", "salesperson's", "salespersons", and
26 "salesperson's". "salespersons".

27 Section 20.(a) Section 16 of S.L. 1999-293 is repealed.

28 Section 20.(b) G.S. 110-136.3 is amended by adding a new subsection to
29 read:

30 "(d1) Employment verifications. -- For the purpose of establishing or modifying a
31 child support order, the amount of the obligor's gross income may be established by a
32 written statement signed by the obligor's employer or the employer's designee or an
33 Employee Verification form produced by the Automated Collections Tracking System
34 that has been completed and signed by the obligor's employer or the employer's
35 designee. A written statement signed by the employer of the obligor or the
36 employer's designee that sets forth an obligor's gross income, as well as an Employee
37 Verification form signed by the obligor's employer or the employer's designee, shall
38 be admissible evidence in any action establishing or modifying a child support order."

39 Section 21.(a) The introductory language of Section 6 of S.L. 1998-220
40 reads as rewritten:

41 "Section 6. ~~G.S. 115C-174.21(b)~~ G.S. 115C-174.11(b) reads as rewritten:"

42 Section 21.(b) The introductory language of Section 11 of S.L. 1998-220
43 reads as rewritten:

44 "Section 11. ~~G.S. 115C-174.21(e)~~ G.S. 115C-174.11(c) reads as rewritten:"

1 Section 22. G.S. 115C-105.46(2) reads as rewritten:

2 "(2) Shall provide, in cooperation with the Board of Governors of The
3 University of North Carolina, ongoing technical assistance to the
4 local school administrative units in the development,
5 implementation, and evaluation of their local plans under ~~G.S.
6 115C-105.57~~. G.S. 115C-105.47."

7 Section 23. G.S. 115C-325(n) reads as rewritten:

8 "(n) Appeal. -- Any career employee who has been dismissed or demoted under
9 G.S. 115C-325(e)(2), or under G.S. 115C-325(j2), or who has been suspended without
10 pay under G.S. 115C-325(a)(4a), or any school administrator whose contract is not
11 renewed in accordance with G.S. 115C-287.1, ~~or any school administrator whose
12 contract is not renewed in accordance with G.S. 115C-287.1~~, or any probationary
13 teacher whose contract is not renewed under G.S. 115C-325(m)(2) shall have the
14 right to appeal from the decision of the board to the superior court for the superior
15 court district or set of districts as defined in G.S. 7A-41.1 in which the career
16 employee is employed. This appeal shall be filed within a period of 30 days after
17 notification of the decision of the board. The cost of preparing the transcript shall be
18 determined under G.S. 115C-325(j2)(8) or G.S. 115C-325(j3)(10). A career employee
19 who has been demoted or dismissed, or a school administrator whose contract is not
20 renewed, who has not requested a hearing before the board of education pursuant to
21 this section shall not be entitled to judicial review of the board's action."

22 Section 24. G.S. 115C-325(q)(1)b. reads as rewritten:

23 "b. If the State Board through its designee recommends the
24 dismissal of a principal under this subdivision, the principal
25 shall be suspended with pay pending a hearing before a
26 panel of three members of the State Board. The purpose of
27 this hearing, which shall be held within 60 days after the
28 principal is suspended, is to determine whether the principal
29 shall be dismissed.

30 ~~These principals shall be suspended with pay pending a
31 hearing before a panel of three members of the State Board.
32 The purpose of this hearing, which shall be held within 60
33 days after the principal is suspended, is to determine
34 whether the principal shall be dismissed."~~

35 Section 25. G.S. 115C-404(a) reads as rewritten:

36 "**§ 115C-404. Use of juvenile court information.**

37 (a) Written notifications received in accordance with G.S. 7B-3101 and
38 information gained from examination of juvenile records in accordance with G.S. 7B-
39 3100 are confidential records, are not public records as defined under G.S. 132-1, and
40 shall not be made part of the student's official record under G.S. 115C-402.
41 Immediately upon receipt, the principal shall maintain these documents in a safe,
42 locked record storage that is separate from the student's other school records. The
43 principal shall shred, burn, or otherwise destroy documents received in accordance
44 with G.S. 7B-3100 to protect the confidentiality of the information when the principal

1 receives notification that the court dismissed the petition under G.S. 7B-2411, the
2 court transferred jurisdiction over the student to superior court under G.S. 7B-2200,
3 or the court granted the student's petition for expunction of the records. The
4 principal shall shred, burn, or otherwise destroy all information gained from
5 examination of juvenile records in accordance with G.S. 7B-3100 when the principal
6 finds that the school no longer needs the information to protect the safety of or to
7 improve the educational opportunities for the student or others. In no case shall the
8 principal make a copy of these documents.

9 ~~G.S. 7A-675.2 Article 31 of Chapter 7B of the General Statutes petition, court,~~
10 ~~records pursuant to Chapter 7B of the General Statutes."~~

11 Section 26. G.S. 116-14(b1) reads as rewritten:

12 "(b1) The President shall receive General Fund appropriations made by the
13 General Assembly for continuing operations of The University of North Carolina that
14 are administered by the President and the President's staff complement established
15 pursuant to G.S. 116-14(b) in the form of a single sum to Budget Code 16010 of The
16 University of North Carolina in the manner and under the conditions prescribed by
17 G.S. 116-30.2. The President, with respect to the foregoing appropriations, shall have
18 the same duties and responsibilities that are prescribed by G.S. 116-30.2 for the
19 Chancellor of a special responsibility constituent institution. The President may
20 establish procedures for transferring funds from Budget Code 16010 to the constituent
21 institutions for nonrecurring expenditures. The President may identify funds for
22 capital improvement projects from Budget Code 16010, and the capital improvement
23 projects may be established following the procedures set out in ~~in~~ G.S. 143-18.1."

24 Section 27. G.S. 116B-66(a) reads as rewritten:

25 "(a) After property has been paid or delivered to the Treasurer under this Article,
26 another state may recover the property if:

27 (1) The property was paid or delivered to the custody of this State
28 because the records of the holder did not reflect a last known
29 location of the apparent owner within the borders of the other
30 state, and the other state establishes that the apparent owner or
31 other person entitled to the property was last known to be located
32 within the borders of that state and under the laws of that state the
33 property has escheated or become subject to a claim of
34 abandonment by that state;

35 (2) The property was paid or delivered to the custody of this State
36 because the laws of the other state did not provide for the escheat
37 or custodial taking of the property, and under the laws of that state
38 subsequently enacted, the property has escheated or become
39 subject to a claim of abandonment by that state;

40 (3) The records of the holder were erroneous in that they did not
41 accurately identify the owner of the property and the last known
42 location of the owner within the borders of another state, and
43 under the laws of that state the property has escheated or become
44 subject to a claim of abandonment by that state; or

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(4) ~~The property was subjected to custody by this State under G.S. 116B-56(6), and under the laws of the state of domicile of the holder, the property has escheated or become subject to a claim of abandonment by that state; or~~

(5) The property is a sum payable on a traveler's check, money order, or similar instrument that was purchased in the other state and delivered into the custody of this State under ~~G.S. 116B-56(7)~~, G.S. 116B-56(a)(6), and under the laws of the other state, the property has escheated or become subject to a claim of abandonment by that state."

Section 28. The catch line of G.S. 120-9 reads as rewritten:

"§ 120-9. Freedom of ~~speech; protection from arrest.~~ speech."

Section 29. G.S. 126-2(b)(5) reads as rewritten:

"(5) One member of the public at large appointed by the Governor. The initial member appointed under this subdivision shall serve for a term expiring June 30, 2001; the terms of subsequent appointees shall be for six years.

~~seven~~".

Section 30. G.S. 131D-2(b)(1) reads as rewritten:

"(1) The Department of Health and Human Services shall inspect and license, under rules adopted by the Medical Care Commission, all adult care homes for persons who are aged or mentally or physically disabled except those exempt in subsection (c) of this section. Licenses issued under the authority of this section shall be valid for one year from the date of issuance unless revoked earlier by the Secretary for failure to comply with any part of this section or any rules adopted hereunder adult care. ~~adult care adult care~~ Licenses shall be renewed annually upon filing and the Department's approval of the renewal application. A license shall not be renewed if outstanding fines and penalties imposed by the State against the home have not been paid. Fines and penalties for which an appeal is pending are exempt from consideration. The renewal application shall contain all necessary and reasonable information that the Department may by rule require. Except as otherwise provided in this subdivision, the Department may amend a license by reducing it from a full license to a provisional license for a period of not more than 90 days whenever the Department finds that:

a. The licensee has substantially failed to comply with the provisions of Articles 1 and 3 of Chapter 131D of the General Statutes and the rules adopted pursuant to these Articles;

- 1 b. There is a reasonable probability that the licensee can
2 remedy the licensure deficiencies within a reasonable length
3 of time; and
4 c. There is a reasonable probability that the licensee will be
5 able thereafter to remain in compliance with the licensure
6 rules for the foreseeable future.

7 The Department may extend a provisional license for not more
8 than one additional 90-day period upon finding that the licensee
9 has made substantial progress toward remedying the licensure
10 deficiencies that caused the license to be reduced to provisional
11 status.

12 The Department may revoke a license whenever:

- 13 a. The Department finds that:
14 1. The licensee has substantially failed to comply with
15 the provisions of Articles 1 and 3 of Chapter 131D of
16 the General Statutes and the rules adopted pursuant
17 to these Articles; and
18 2. It is not reasonably probable that the licensee can
19 remedy the licensure deficiencies within a reasonable
20 length of time; or
21 b. The Department finds that:
22 1. The licensee has substantially failed to comply with
23 the provisions of Articles 1 and 3 of Chapter 131D of
24 the General Statutes and the rules adopted pursuant
25 to these Articles; and
26 2. Although the licensee may be able to remedy the
27 deficiencies within a reasonable time, it is not
28 reasonably probable that the licensee will be able to
29 remain in compliance with licensure rules for the
30 foreseeable future; or
31 c. The Department finds that the licensee has failed to comply
32 with the provisions of Articles 1 and 3 of Chapter 131D of
33 the General Statutes and the rules adopted pursuant to these
34 Articles, and the failure to comply endangered the health,
35 safety, or welfare of the patients in the facility.

36 The Department may also issue a provisional license to a facility,
37 pursuant to rules adopted by the Medical Care Commission, for
38 substantial failure to comply with the provisions of this section or
39 rules adopted pursuant to this section. Any facility wishing to
40 contest the issuance of a provisional license shall be entitled to an
41 administrative hearing as provided in the Administrative Procedure
42 Act, Chapter 150B of the General Statutes. A petition for a
43 contested case shall be filed within 30 days after the Department
44 mails written notice of the issuance of the provisional license."

1 Section 31. G.S. 136-176(b)(2) reads as rewritten:

2 "(2) Twenty-five and five hundredths percent (25.05%) to plan, design,
3 and construct the urban loops described in ~~G.S. 136-80~~ G.S. 136-
4 180 and to pay debt service on highway bonds and notes that are
5 issued under the State Highway Bond Act of 1996 and whose
6 proceeds are applied to these urban loops."

7 Section 32. G.S. 143-151.57(a) reads as rewritten:

8 "(a) Maximum Fees. -- The Board may adopt fees that do not exceed the amounts
9 set in the following table for administering this Article:

10 <u>Item</u>	<u>Maximum Fee</u>
11 Application for home inspector license	\$25.00
12 Application for associate home inspector license	15.00
13 Home inspector examination	75.00
14 Issuance of home inspector license	150.00
15 Issuance of associate home inspector license	100.00
16 Late renewal of home inspector license	25.00
17 Late renewal of associate home inspector license	
18 inspector	15.00
19 Application for course approval	150.00
20 Renewal of course approval	75.00
21 Course fee, per credit hour per licensee	5.00
22 Credit for unapproved continuing education course	50.00
23 Copies of Board rules or licensure standards	Cost of printing and mailing."

24
25 Section 33. G.S. 143B-270(c) reads as rewritten:

26 "(c) Members appointed shall hold office for a term of four years beginning on
27 October 1, 1987, except that three of the initial appointees and these three
28 appointees' immediate successors shall serve a term of two years, with the immediate
29 successors' terms expiring on September 30, 1991. ~~The Speaker, Lieutenant~~
30 ~~Governor, and Governor shall each select one of their initial appointees to serve a~~
31 ~~two-year term."~~

32 Section 34. G.S. 160A-23.1(d) reads as rewritten:

33 "(d) If the council adopts the resolution provided for in subsection (a) of this
34 section ~~and:~~

35 ~~(1)~~ ~~Does and does~~ not adopt the changes, or

36 ~~(2)~~ ~~Does does~~ adopt the changes, but approval under the Voting
37 Rights Act of 1965, as amended, is required, and notice of such
38 approval is not received,

39 by the end of the third day before the opening of the filing period, the municipal
40 election shall be rescheduled as provided in this subsection and current officeholders
41 shall hold over until their successors are elected and qualified. For cities using the:

42 (1) Partisan primary and election method under G.S. 163-291, the
43 primary shall be held on the primary election date for county
44 officers in 2002, the second primary, if necessary, shall be held on

1 the second primary election date for county officers in 2002, and
2 the general election shall be held on the general election date for
3 county officers in ~~1992~~, 2002;

4 (2) Nonpartisan primary and election method under G.S. 163-294, the
5 primary shall be held on the primary election date for county
6 officers in 2002 and the election shall be held on the date for the
7 second primary for county officers in 2002;

8 (3) Nonpartisan plurality election method under G.S. 163-292, the
9 election shall be held on the primary election date for county
10 officers in 2002;

11 (4) Election and runoff method under G.S. 163-293, the election shall
12 be held on the primary election date for county officers in 2002
13 and the runoffs, if necessary, shall be held on the date for the
14 second primary for county officers in 2002.

15 The organizational meeting of the new council may be held at any time after the
16 results of the election have been officially determined and published, but not later
17 than the time and date of the first regular meeting of the council in July 2002, except
18 in the case of partisan municipal elections, when the organizational meeting shall be
19 held not later than the time and date of the first regular meeting of the council in
20 December of 2002."

21 Section 35. G.S. 5A-23(g) reads as rewritten:

22 "~~(g) A judge conducting a hearing to determine if a person is in civil contempt~~
23 ~~may at that hearing, upon making the required findings, find the person in criminal~~
24 ~~contempt for the same conduct, regardless of whether imprisonment for civil~~
25 ~~contempt is proper in the case. A person who is found in civil contempt under this~~
26 Article shall not, for the same conduct, be found in criminal contempt under Article
27 1 of this Chapter."

28 Section 36. G.S. 7A-41(c)(8) reads as rewritten:

29 "(8) The names and boundaries of precincts in New Hanover and
30 Pender Counties are those in existence on ~~May~~ December 1, 1999."

31 Section 37. G.S. 14-113.20(b) reads as rewritten:

32 "(b) The term "identifying information" as used in this section includes the
33 following:

34 (1) Social security numbers.

35 (2) Drivers license numbers.

36 (3) Checking account numbers.

37 (4) Savings account numbers.

38 (5) Credit card numbers.

39 (6) Debit card numbers.

40 (7) Personal Identification (PIN) Code as defined in ~~G.S. 14-113.8(8).~~
41 G.S. 14-113.8(6).

42 (8) Electronic identification numbers.

43 (9) Digital signatures.

1 (10) Any other numbers or information that can be used to access a
2 person's financial resources."

3 Section 38. G.S. 7A-751(a) reads as rewritten:

4 "(a) The head of the Office of Administrative Hearings is the Chief
5 Administrative Law Judge, who shall serve as Director of the Office. The Chief
6 Administrative Law Judge has the powers and duties conferred on that position by
7 this Chapter and the Constitution and laws of this State and may adopt rules to
8 implement the conferred powers and duties.

9 The salary of the Chief Administrative Law Judge shall be the same as that fixed
10 from time to time for district court judges. The salary of a Senior Administrative
11 Law Judge shall be ninety-five percent (95%) of the salary of the Chief
12 Administrative Law Judge.

13 In lieu of merit and other increment raises, the Chief Administrative Law Judge
14 and any Senior Administrative Law Judge shall receive longevity pay on the same
15 basis as is provided to employees of the State who are subject to the State Personnel
16 Act."

17 Section 38.1(a) G.S. 17C-3(a) reads as rewritten:

18 "(a) There is established the North Carolina Criminal Justice Education and
19 Training Standards Commission, hereinafter called 'the ~~Commission,~~ in the
20 ~~Department of Justice.~~ Commission.' The Commission shall be composed of 26
21 members as follows:

22 (1) Police Chiefs. -- Three police chiefs selected by the North Carolina
23 Association of Chiefs of Police and one police chief appointed by
24 the Governor.

25 (2) Police Officers. -- Three police officials appointed by the North
26 Carolina Police Executives Association and two criminal justice
27 officers certified by the Commission as selected by the North
28 Carolina Law-Enforcement Officers' Association.

29 (3) Departments. -- The Attorney General of the State of North
30 Carolina; the Secretary of the Department of Crime Control and
31 Public Safety; the Secretary of the Department of Correction; the
32 President of the ~~Department~~ North Carolina System of Community
33 Colleges.

34 (3a) A representative of the Office of Juvenile Justice.

35 (4) At-large Groups. -- One individual representing and appointed by
36 each of the following organizations: one mayor selected by the
37 League of Municipalities; one law-enforcement training officer
38 selected by the North Carolina Law-Enforcement Training
39 Officers' Association; one criminal justice professional selected by
40 the North Carolina Criminal Justice Association; one sworn law-
41 enforcement officer selected by the North State Law-Enforcement
42 Officers' Association; one member selected by the North Carolina
43 Law-Enforcement Women's Association; and one District Attorney
44 selected by the North Carolina Association of District Attorneys.

1 (5) Citizens and Others. -- The President of The University of North
2 Carolina; the Director of the Institute of Government; and two
3 citizens, one of whom shall be selected by the Governor and one
4 of whom shall be selected by the Attorney General. The General
5 Assembly shall appoint two persons, one upon the
6 recommendation of the Speaker of the House of Representatives
7 and one upon the recommendation of the President Pro Tempore
8 of the Senate. Appointments by the General Assembly shall be
9 made in accordance with G.S. 120-122. Appointments by the
10 General Assembly shall serve two-year terms to conclude on June
11 30th in odd-numbered years."

12 Section 38.1.(b) G.S. 17C-6(a) reads as rewritten:

13 "(a) In addition to powers conferred upon the Commission elsewhere in this
14 Chapter, the Commission shall have the following powers, which shall be enforceable
15 through its rules and regulations, certification procedures, or the provisions of G.S.
16 17C-10:

- 17 (1) Promulgate rules and regulations for the administration of this
18 Chapter, which rules may require (i) the submission by any
19 criminal justice agency of information with respect to the
20 employment, education, retention, and training of its criminal
21 justice officers, and (ii) the submission by any criminal justice
22 training school of information with respect to its criminal justice
23 training programs that are required by this Chapter;
- 24 (2) Establish minimum educational and training standards that must be
25 met in order to qualify for entry level employment and retention as
26 a criminal justice officer in temporary or probationary status or in
27 a permanent position;
- 28 (3) ~~Certify~~, Certify and recertify, pursuant to the standards that it has
29 established for the purpose, persons as qualified under the
30 provisions of this Chapter to be employed at entry level and
31 retained as criminal justice officers;
- 32 (4) Establish minimum standards for the certification of criminal
33 justice training schools and programs or courses of instruction that
34 are required by this Chapter;
- 35 (5) ~~Certify~~, Certify and recertify, pursuant to the standards that it has
36 established for the purpose, criminal justice training schools and
37 programs or courses of instruction that are required by this
38 Chapter;
- 39 (6) Establish minimum standards and levels of education and
40 experience for all criminal justice instructors who participate in
41 programs or courses of instruction that are required by this
42 Chapter;
- 43 (7) ~~Certify~~, Certify and recertify, pursuant to the standards that it has
44 established for the purpose, criminal justice instructors who

1 participate in programs or courses of instruction that are required
2 by this Chapter;

3 (8) Investigate and make such evaluations as may be necessary to
4 determine if criminal justice agencies, schools, and individuals are
5 complying with the provisions of this Chapter;

6 (9) Adopt and amend bylaws, consistent with law, for its internal
7 management and control;

8 (10) Enter into contracts incident to the administration of its authority
9 pursuant to this Chapter;

10 (11) Establish minimum standards and levels of training for certification
11 and periodic recertification of operators of and instructors for
12 training programs in radio microwave, laser, and other electronic
13 speed-measuring instruments;

14 (12) Certify and recertify, pursuant to the standards that it has
15 established, operators and instructors for training programs for
16 each approved type of radio microwave, laser, and other electronic
17 speed-measuring instruments;

18 (13) In conjunction with the Secretary of Crime Control and Public
19 Safety, approve use of specific models and types of radio
20 microwave, laser, and other speed-measuring instruments and
21 establish the procedures for operation of each approved instrument
22 and standards for calibration and testing for accuracy of each
23 approved instrument.

24 (14) Establish minimum standards for in-service training for criminal
25 justice officers."

26 Section 39. G.S. 18B-108 reads as rewritten:

27 "§ 18B-108. Sales on trains.

28 Alcoholic beverages may be sold on railroad trains in this State upon receipt of the
29 ~~required revenue license under G.S. 105-113.76.~~ compliance with Article 2C of
30 Chapter 105 of the General Statutes."

31 Section 40.(a) G.S. 24-1.1A(c) reads as rewritten:

32 "(c) If the home loan is one described in subdivision (a)(1) or subdivision (a)(2)
33 of this section, the lender may charge the borrower the following fees and charges in
34 addition to interest and other fees and charges as permitted in this section and late
35 payment charges as permitted in G.S. 24-10.1:

36 (1) At or before loan closing, the lender may charge such of the
37 following fees and charges as may be agreed upon by the parties
38 notwithstanding the provisions of any State law, other than G.S.
39 24-1.1E, limiting the amount of such fees or charges:

40 a. Loan application, origination, ~~and commitment fees;~~
41 commitment, and interest rate lock fees;

42 a1. Fees to administer a construction loan or a
43 construction/permanent loan, including inspection fees and
44 loan conversion fees;

- 1 b. Discount points, but only to the extent the discount points
2 are paid for the purpose of reducing, and in fact result in a
3 bona fide reduction of the interest rate or time-price
4 differential;
- 5 c. Assumption fees to the extent permitted by G.S. 24-10(d);
6 d. Appraisal fees to the extent permitted by G.S. 24-10(h);
7 e. ~~To Fees and charges to the extent permitted by G.S. 24-8(d),~~
8 ~~sums for the payment of bona fide loan-related goods,~~
9 ~~products, and services provided or to be provided by third~~
10 ~~parties and sums for the payment of taxes, filing fees,~~
11 ~~recording fees, and other charges, and fees paid or to be~~
12 ~~paid to public officials; G.S. 24-8(d); and~~
- 13 f. Additional fees and charges, however individually or
14 collectively denominated, payable to the lender which, in
15 the aggregate, do not exceed the greater of (i) one quarter of
16 one percent (1/4 of 1%) of the principal amount of the loan,
17 or (ii) one hundred fifty dollars (\$150.00).
- 18 (2) Except as provided in subsection (g) of this section with respect to
19 the deferral of loan payments, upon modification, renewal,
20 extension, or amendment of any of the terms of a home loan, the
21 lender may charge such of the following fees and charges as may
22 be agreed upon by the parties notwithstanding the provisions of
23 any State law, other than G.S. 24-1.1E, limiting the amount of such
24 fees or charges:
- 25 a. Discount points, but only to the extent the discount points
26 are paid for the purpose of reducing, and in fact result in a
27 bona fide reduction of, the interest rate or time-price
28 differential;
- 29 a1. Fees which do not exceed one quarter of one percent (1/4 of
30 1%) of the principal amount of the loan if the principal
31 amount of the loan is less than one hundred fifty thousand
32 dollars (\$150,000), or one percent of the principal amount of
33 the loan if the principal amount of the loan is one hundred
34 fifty thousand dollars (\$150,000) or more, for the conversion
35 of a variable interest rate loan to a fixed interest rate loan,
36 of a fixed interest rate loan to a variable interest rate loan,
37 of a closed-end loan to an open-end loan, or of an open-
38 ended loan to a closed-end loan;
- 39 b. Assumption fees to the extent permitted by G.S. 24-10(d);
40 c. Appraisal fees to the extent permitted by G.S. 24-10(h);
41 d. ~~To Fees and charges to the extent permitted by G.S. 24-8(d),~~
42 ~~sums for the payment of bona fide loan-related goods,~~
43 ~~products, and services provided or to be provided by third~~
44 ~~parties and sums for the payment of taxes, filing fees,~~

1 ~~recording fees, and other charges, and fees paid or to be~~
2 ~~paid to public officials; G.S. 24-8(d); and~~

3 e. Additional ~~If no fees are charged under subdivision (c)(2)b.~~
4 of this section, additional fees and charges, however
5 individually or collectively denominated, payable to the
6 lender which, in the aggregate, do not exceed the greater of
7 (i) one quarter of one percent (1/4 of 1%) of the balance
8 outstanding at the time of the modification, renewal,
9 extension, or amendment of terms, or (ii) one hundred fifty
10 dollars (\$150.00). The fees and charges permitted by this
11 sub-subdivision may be charged only pursuant to a written
12 agreement which states the amount of the fee or charge and
13 is made at the time of the specific modification, renewal,
14 extension, or amendment, or at the time the specific
15 modification, renewal, extension, or amendment is
16 requested.'

17 Section 40.(b) G.S. 24-1.1A(g)(2)e. reads as rewritten:

18 "e. ~~No lender may charge a deferral fee for modifying or~~
19 ~~extending the maturity date of a loan or the date a balloon~~
20 ~~payment is due; provided, however, that any such~~
21 ~~modification or extension of the loan maturity date or the~~
22 ~~date a balloon payment is due shall, to the extent applicable,~~
23 ~~be considered a modification or extension subject to the~~
24 ~~provisions of subdivision (c)(2) of this section. A lender may~~
25 charge a deferral fee under this subsection for deferring the
26 payment of all or part of one or more regularly scheduled
27 payments, regardless of whether the deferral results in an
28 extension of the loan maturity date or the date a balloon
29 payment is due. A modification or extension of the loan
30 maturity date or the date a balloon payment is due which is
31 not incident to the deferral of a regularly scheduled
32 payment shall be considered a modification or extension
33 subject to the provisions of subdivision (c)(2) of this
34 section.'

35 Section 40.(c) G.S. 24-89(d) reads as rewritten:

36 "(d) Notwithstanding any contrary provision of State law, any lender may collect
37 money from the borrower for the payment of (i) bona fide loan-related goods,
38 products, and services provided or to be provided by third parties, ~~and~~ (ii) taxes,
39 filing fees, recording fees, and other charges and fees paid or to be paid to public
40 ~~officials.~~ officials, and (iii) fees payable to the federal government, any state or local
41 government or any federal, state, or local governmental agency in connection with a
42 loan made pursuant to a loan program sponsored by or offered through the federal
43 government, any state or local government or any federal, state or local government
44 agency, including loan guarantee and tax credit programs. No third party shall

1 charge or receive (i) any unreasonable compensation for loan-related goods, products,
2 and services, or (ii) any compensation for which no loan-related goods and products
3 are provided or for which no or only nominal loan-related services are performed.
4 Loan-related goods, products, and services include fees for tax payment services, fees
5 for flood certification, fees for pest-infestation determinations, mortgage brokers' fees,
6 appraisal fees, inspection fees, environmental assessment fees, fees for credit report
7 services, assessments, costs of upkeep, surveys, attorneys' fees, notary fees, escrow
8 charges,
9 and insurance premiums (including, for example, fire, title, life, accident and health,
10 disability, unemployment, flood, and mortgage insurance)."

11 Section 40.1. G.S. 24-1.1E(c) reads as rewritten:

12 "(c) Prohibited Acts and Practices. -- The following acts and practices are
13 prohibited in the making of a high-cost home loan:

- 14 (1) No lending without home-ownership counseling. -- A lender may
15 not make a high-cost home loan without first receiving certification
16 from a counselor approved by the North Carolina Housing Finance
17 Agency that the borrower has received counseling on the
18 advisability of the loan transaction and the appropriate loan for the
19 borrower.
- 20 (2) No lending without due regard to repayment ability. -- As used in
21 this subsection, the term "obligor" refers to each borrower, co-
22 borrower, cosigner, or guarantor obligated to repay a loan. A
23 lender may not make a high-cost home loan unless the lender
24 reasonably believes at the time the loan is consummated that one
25 or more of the obligors, when considered individually or
26 collectively, will be able to make the scheduled payments to repay
27 the obligation based upon a consideration of their current and
28 expected income, current obligations, employment status, and other
29 financial resources (other than the borrower's equity in the
30 dwelling which secures repayment of the loan). An obligor shall be
31 presumed to be able to make the scheduled payments to repay the
32 obligation if, at the time the loan is consummated, the obligor's
33 total monthly debts, including amounts owed under the loan, do
34 not exceed fifty percent (50%) of the obligor's monthly gross
35 income as verified by the credit application, the obligor's financial
36 statement, a credit report, financial information provided to the
37 lender by or on behalf of the obligor, or any other reasonable
38 means; provided, no presumption of inability to make the
39 scheduled payments to repay the obligation shall arise solely from
40 the fact that, at the time the loan is consummated, the obligor's
41 total monthly debts (including amounts owed under the loan)
42 exceed fifty percent (50%) of the obligor's monthly gross income.
- 43 (3) No financing of fees or charges. -- In making a high-cost home
44 loan, a lender may not directly or indirectly finance:

- 1 a. Any prepayment fees or penalties payable by the borrower
2 in a refinancing transaction if the lender or an affiliate of
3 the lender is the noteholder of the note being refinanced;
4 b. Any points and fees; or
5 c. Any other charges payable to third parties.
6 (4) No benefit from refinancing existing high-cost home loan with new
7 high-cost home loan. -- A lender may not charge a borrower points
8 and fees in connection with a high-cost home loan if the proceeds
9 of the high-cost home loan are used to refinance an existing high-
10 cost home loan held by the same lender as noteholder.
11 (5) Restrictions on home-improvement contracts. -- A lender may not
12 pay a contractor under a home-improvement contract from the
13 proceeds of a high-cost home loan other than (i) by an instrument
14 payable to the borrower or jointly to the borrower and the
15 contractor, or (ii) at the election of the borrower, through a third-
16 party escrow agent in accordance with terms established in a
17 written agreement signed by the borrower, the lender, and the
18 contractor prior to the disbursement.
19 (6) No shifting of liability. -- A lender is prohibited from shifting any
20 loss, liability, or claim of any kind to the closing agent or closing
21 attorney for any violation of this section."

22 Section 41. G.S. 42A-19 reads as rewritten:

23 "**§ 42A-19. Transfer of property subject to a vacation rental agreement.**

24 (a) The grantee of residential property voluntarily transferred by a landlord who
25 has entered into a vacation rental agreement for the use of the property shall take his
26 or her title subject to the vacation rental agreement if the vacation rental is to end
27 not later than 180 days after the grantee's interest in the property is recorded in the
28 office of the register of deeds. If the vacation rental is to end more than 180 days
29 after the recording of the grantee's interest, the tenant shall have no right to enforce
30 the terms of the agreement unless the grantee has agreed in writing to honor such
31 terms, but the tenant shall be entitled to a refund of ~~any~~ payments made by him or
32 ~~her~~ her, as provided in subsection (b) of this section. Prior to entering into any
33 contract of sale, the landlord shall disclose to the grantee the time periods that the
34 property is subject to a vacation rental agreement. Not later than 10 days after
35 entering into the contract of sale the landlord shall disclose to the grantee each
36 tenant's name and address and shall provide the grantee with a copy of each vacation
37 rental agreement. Not later than 10 days after transfer of the property, the grantee or
38 the grantee's agent shall:

- 39 (1) Notify each tenant in writing of the property transfer, the grantee's
40 name and address, and the date the grantee's interest was
41 recorded.
42 (2) Advise each tenant whether he or she has the right to occupy the
43 property subject to the terms of the vacation rental agreement and
44 the provisions of this section.

1 (3) Advise each tenant of whether he or she has the right to receive a
2 refund of any payments made by him or her.

3 (b) Except as otherwise provided in this subsection, upon termination of the
4 landlord's interest in the residential property subject to a vacation rental agreement,
5 whether by sale, assignment, death, appointment of receiver or otherwise, the
6 landlord or the landlord's agent, or the real estate broker, shall, within 30 days,
7 transfer all advance rent paid by the tenant, and the portion of any fees remaining
8 after any lawful deductions made under G.S. 42A-16, to the landlord's successor in
9 interest and thereafter notify the tenant by mail of such transfer and of the
10 transferee's name and address. For vacation rentals that end more than 180 days after
11 the recording of the interest of the landlord's successor in interest, unless the
12 landlord's successor in interest has agreed in writing to honor the vacation rental
13 agreement, the landlord or the landlord's agent, or the real estate broker, shall,
14 within 30 days, transfer all advance rent paid by the tenant, and the portion of any
15 fees remaining after any lawful deductions made under G.S. 42A-16, to the tenant.
16 Compliance with this subsection shall relieve the landlord or real estate broker of
17 further liability with respect to any payment of rent or fees. Funds held as a security
18 deposit shall be disbursed in accordance with G.S. 42A-18.

19 ~~(e) If, prior to the tenant's occupancy of the property, the landlord's interest in~~
20 ~~the property is involuntarily transferred to another, the landlord shall refund to the~~
21 ~~tenant within 60 days after the transfer any payments made by the tenant.~~

22 (d) The failure of a landlord to comply with the provisions of this section shall
23 constitute an unfair trade practice in violation of G.S. 75-1.1. A landlord who
24 complies with the requirements of this section shall have no further obligations to the
25 tenant."

26 Section 42.(a) G.S. 43-22 reads as rewritten:

27 "**§ 43-22. Jurisdiction of courts; registered land affected only by registration.**

28 Except as otherwise specially provided by this Chapter, registered land and
29 ownership therein shall be subject to the jurisdiction of the courts in the same
30 manner as if it had not been registered; but the registration shall be the only
31 operative act to transfer or affect the title to registered land, and shall date from the
32 time the writing, instrument or record to be registered is duly filed in the office of the
33 register of deeds, subject to the provisions of this Chapter; no voluntary or
34 involuntary transaction shall affect the title to registered lands until registered in
35 accordance with the provisions of this Chapter: Provided, that all mortgages, deeds,
36 surrendered and canceled certificates, when new certificates are issued for the land so
37 deeded, the other paper- writings, if any, pertaining to and affecting the registered
38 estate or estates herein referred to, shall be filed by the register of deeds for reference
39 and information, but the ~~registration of titles book~~ consolidated real property records
40 shall be and constitute sole and conclusive legal evidence of title, except in cases of
41 mistake and fraud, which shall be corrected in the methods now provided for the
42 correction of papers authorized to be registered."

43 Section 42.(b) G.S. 43-25 reads as rewritten:

44 "**§ 43-25. Release from registration.**

1 Whenever the record owner of any estate in lands, the title to which has been
2 registered or attempted to be registered in accordance with the provisions of this
3 Chapter, desires to have such estate released from the provisions of said Chapter
4 insofar as said Chapter relates to the form of conveyance, so that such estate may
5 ever thereafter be conveyed, either absolutely or upon condition or trust, by the use
6 of any desired form of conveyance other than the certificate of title prescribed by said
7 Chapter, such owner may present his owner's certificate of title to such registered
8 estate to the register of deeds of the county wherein such land lies, with a
9 memorandum or statement written by him on the margin thereof in the words
10 following, or words of similar import, to wit: "I (or we),....., being the owner (or
11 owners) of the registered estate evidenced by this certificate of title, do hereby release
12 said estate from the provisions of Chapter 43 of the General Statutes of North
13 Carolina insofar as said Chapter relates to the form of conveyance, so that hereafter
14 the said estate may, and shall be forever until again hereafter registered in accordance
15 with the provisions of said Chapter and acts amendatory thereof, conveyed, either
16 absolutely or upon condition or trust, by any form of conveyance other than the
17 certificate of title prescribed by said Chapter, and in the same manner as if said estate
18 had never been registered." Which said memorandum or statement shall further state
19 that it is made pursuant to the provisions of this section, and shall be signed by such
20 record owner and attested by the register of deeds under his hand and official seal,
21 and a like memorandum or statement so entered, signed and attested upon the
22 margin of the record of the said owner's certificate of title in the ~~registration of titles~~
23 ~~book~~ consolidated real property records in said register's office, with the further
24 notation made and signed by the register of deeds on the margin of the certificate of
25 title in the ~~registration of titles book~~ consolidated real property records showing that
26 such entry has been made upon the owner's certificate of title; and thereafter any
27 conveyance of such registered estate, or any part thereof, by such owner, his heirs or
28 assigns, by means of any desired form of conveyance other than such certificate of
29 title shall be as valid and effectual to pass such estate of the owner according to the
30 tenor and purport of such conveyance in the same manner and to the same extent as
31 if such estate had never been so registered."

32 Section 42.(c) G.S. 43-31 reads as rewritten:

33 **"§ 43-31. When whole of land conveyed.**

34 Whenever the whole of any registered estate is transferred or conveyed the same
35 shall be done by a transfer or conveyance attached to the certificate substantially as
36 follows:

37 The owners (giving the names of the parties owning land described in the
38 certificate) hereby, in consideration of _____ dollars, sell
39 and convey to the purchaser (giving name of purchaser) the lot or tract of land, as
40 the case may be, described in the certificate of title hereto attached. The transfer shall
41 be indexed on the grantor and grantee indexes in the same manner as deeds are
42 indexed.

43 The same shall be signed and properly acknowledged by the parties and shall have
44 the full force and effect of a deed in fee simple: Provided, that if the sale shall be in

1 trust, upon condition, with power to sell or other unusual form of conveyance, the
2 same shall be set out in the transfer, and shall be entered upon the ~~registration of~~
3 ~~titles book~~ consolidated real property records as hereinafter provided; that upon
4 presentation of the transfer, together with the certificate of title, to the register of
5 deeds, the transaction shall be duly noted and registered in accordance with the
6 provisions of this Chapter, and certificate of title so presented shall be canceled and a
7 new certificate with the same number issued to the purchaser thereof, which new
8 certificate shall fully refer by number and also by name of holder to former certificate
9 just canceled."

10 Section 42.(d) G.S. 43-35 reads as rewritten:

11 "**§ 43-35. References and cross references entered on register.**

12 In all cases the register of deeds shall place upon the ~~registry of title books~~
13 consolidated real property records and upon the certificate of title of such registered
14 estate therein, references and cross references to the new certificates issued as above
15 provided, in accordance with the provisions of this Article, and the new certificates
16 issued shall fully refer by number and by name of the holder to the canceled
17 certificate in place of which they are issued."

18 Section 42.(e) G.S. 43-36 reads as rewritten:

19 "**§ 43-36. When land conveyed as security.**

20 (a) Whole Land Conveyed. -- Whenever the owner of any registered estate shall
21 desire to convey same as security for debt, it may be done in the following manner,
22 by a short form of transfer, substantially as follows, to wit:

23 A.B. and wife (giving names of all owners or holders of certificates and their
24 wives) hereby transfer to C.D. the tract or lot of land described as No. in
25 registration of titles book for County, a certificate for the title for same being
26 hereto attached, to secure a debt of dollars, due to, of County and
27 State, on the day of,, evidenced by bond (or otherwise as the case may
28 be) dated the day of,, In case of default in payment of said debt with
29 accrued interest, days notice of sale required.

30 The same shall be signed and properly acknowledged by the parties making same,
31 and shall be presented, together with the owner's certificate, to the register of deeds,
32 whose duty it shall be to note upon the owner's certificate and upon the certificate of
33 title in the ~~registration of titles book~~ consolidated real property records the name of
34 the trustee, the amount of debt, and the date of maturity of same.

35 (b) Part of Land Conveyed. -- When a part of the registered estate shall be so
36 conveyed, the register of deeds shall note upon the ~~book~~ consolidated real property
37 records and owner's certificate the part so conveyed, and if the same be required and
38 the proper fee paid by the trustee, shall issue what shall be known as a partial
39 certificate, over his hand and seal, setting out the portion so conveyed.

40 (c) Effect of Transfer. -- All transfers by such short form shall convey the power of
41 sale upon due advertisement at the county courthouse and in some newspaper
42 published in the county, or adjoining county, in the same manner and as fully as is
43 now provided by law in the case of mortgages and deeds of trust and default therein.

1 (d) Other Encumbrances Noted. -- All registered encumbrances, rights or adverse
2 claims affecting the estate represented thereby shall continue to be noted, not only
3 upon the certificate of title in the ~~registration book~~, consolidated real property
4 records, but also upon the owner's certificate, until same shall have been released or
5 discharged. And in the event of second or other subsequent voluntary encumbrances
6 the holder of the certificate may be required to produce such certificate for the entry
7 thereon or attachment thereto of the note of such subsequent charge or encumbrance
8 as provided in this Article.

9 (e) Other Forms of Conveyance May Be Used. -- Nothing in this section nor this
10 Chapter shall be construed to prevent the owner from conveying such land, or any
11 part of the same, as security for a debt by deed of trust or mortgage in any form
12 which may be agreed upon between the parties thereto, and having such deed of trust
13 or mortgage recorded in the office of the register of deeds as other deeds of trust and
14 mortgages are recorded: Provided, that the book and page of the record at which
15 such deed of trust or mortgage is recorded shall be entered by the register of deeds
16 upon the owner's certificate and also on the ~~registration of titles book~~. consolidated
17 real property records.

18 (f) Sale under Lien; New Certification. -- Upon foreclosure of such deed of trust or
19 mortgage, or sale under execution for taxes or other lien on the land, the fact of such
20 foreclosure or sale shall be reported by the trustee, mortgagee or other person
21 authorized to make the same, to the register of deeds of the county in which the land
22 lies, and, upon satisfactory evidence thereof, it shall be his duty to call in and cancel
23 the outstanding certificate of title for the land, so sold, and to issue a new certificate
24 in its place to the purchaser or other person entitled thereto; and the production of
25 such outstanding certificate and its surrender by the holder thereof may be
26 compelled, upon notice to him, by motion before and order of the clerk of the
27 superior court in the original proceeding or the clerk of the superior court of the
28 county in which the land lies; but the right of appeal from such order may be
29 exercised and shall be allowed as in other special proceedings. and pending any such
30 appeal the rights of all parties shall be preserved."

31 Section 42.(f) G.S. 43-38 reads as rewritten:

32 "**§ 43-38. Transfers probated; partitions; contracts.**

33 All transfers of registered land shall be duly executed and probated as required by
34 law upon like conveyances of other lands, and in all cases of change in boundary by
35 partition, subtraction or addition of land there shall be an accurate survey and
36 permanent marking of boundaries and accurate plots, showing the courses, distances
37 and markings of every portion thereof, which shall be duly proved and registered as
38 upon the initial registration. Such transfers shall be presented to the register of deeds
39 for entry upon the ~~registration of titles book~~ consolidated real property records and
40 upon the owner's certificate within 30 days from the date thereof, or become subject
41 to any rights which may accrue to any other person by a prior registration. All leases
42 or contracts affecting land for a period exceeding three years shall be in writing, duly
43 proved before the clerk of the superior court, recorded in the register's office, and
44 noted upon the registry and upon the owner's certificate."

1 Section 42.(g) G.S. 43-39 reads as rewritten:

2 **"§ 43-39. Certified copy of order of court noted.**

3 In voluntary transactions a certificate from the proper State, county or court
4 officer, or certified copy of the order, decree or judgment of any court of competent
5 jurisdiction shall be authority for him to order a proper notation thereof upon the
6 ~~registration of titles book~~, consolidated real property records, and for the register of
7 deeds to note the transaction under the direction of the court."

8 Section 42.(h) G.S. 43-42 reads as rewritten:

9 **"§ 43-42. Conveyance of registered land in trust.**

10 Whenever a writing, instrument or record is filed for the purpose of transferring
11 registered land in trust, or upon any equitable condition or limitation expressed
12 therein, or for the purpose of creating or declaring a trust or other equitable interest
13 in such land, the particulars of the trust, condition, limitation or other equitable
14 interest shall not be entered on the certificate, but it shall be sufficient to enter in the
15 ~~book~~ consolidated real property records and upon the certificates a memorial thereof
16 by the terms "in trust" or "upon condition" or in other apt words, and to refer by
17 number to the writing, instrument or record authorizing or creating the same. And if
18 express power is given to sell, encumber or deal with the land in any manner, such
19 power shall be noted upon the certificates by the term "with power to sell" or "with
20 power to encumber," or by other apt words."

21 Section 42.(i) G.S. 43-44 reads as rewritten:

22 **"§ 43-44. Validating conveyance by entry on margin of certificate.**

23 In all cases where the owner of any estate in lands, the title to which has been
24 registered or attempted to be registered in accordance with the provisions of this
25 Chapter, has before August 21, 1924, and subsequent to such registration made any
26 conveyance of such estate, or any portion thereof, by any form of conveyance
27 sufficient in law to pass the title thereto if the title to said lands had not been so
28 registered, the record owner and holder of the certificate of title covering such
29 registered estate may enter upon the margin of his certificate of title in the
30 ~~registration of titles book~~ consolidated real property records a memorandum showing
31 that such registered estate, or a portion thereof, has been so conveyed, and further
32 showing the name of the grantee or grantees and the number of the book and the
33 page thereof where such conveyance is recorded in the office of the register of deeds,
34 and make a like entry upon the owner's certificate of title held by him, both of such
35 entries to be signed by him and witnessed by the register of deeds, and attested by the
36 seal of office of the register of deeds upon said owner's certificate, with the further
37 notation made and signed by the register of deeds on the margin of the certificate of
38 title in the ~~registration of titles book~~ consolidated real property records showing that
39 such entry has been made upon the owner's certificate of title, and thereupon such
40 conveyance shall become and be as valid and effectual to pass such estate of the
41 owner according to the tenor and purport of such conveyance as if the title to said
42 lands had never been so registered, whether such conveyance be in form absolute or
43 upon condition of trust; and in all cases where such conveyance has been made
44 before August 21, 1924, upon the making of the entries herein authorized by the

1 record owner and holder of such owner's certificate of title, the grantee and his heirs
2 and assigns shall thereafter have the same right to convey the said estate or any part
3 of the same in all respects as if the title to said lands had never been so registered."

4 Section 42.(j) This section is effective retroactive to January 1, 2000.

5 Section 43. G.S. 55-5-04(b) reads as rewritten:

6 "(b) Whenever a corporation shall fail to appoint or maintain a registered agent in
7 this State, or whenever its registered agent cannot with due diligence be found at the
8 registered office, then the Secretary of State shall be an agent of such corporation
9 upon whom any such process, notice or demand may be served. Service on the
10 Secretary of State of any such process, notice or demand shall be made by delivering
11 to and leaving with ~~him~~ the Secretary of State or with any clerk having charge of the
12 corporation department of ~~his~~ the Secretary of State's office, duplicate copies of such
13 process, notice or ~~demand~~ demand and the fee required by G.S. 55-1-22(b). In the
14 event any such process, notice or demand is served on the Secretary of State, ~~he~~ State
15 in the manner provided for in this section, the Secretary of State shall immediately
16 mail one of the copies thereof, by registered or certified mail, return receipt
17 requested, to the corporation at its principal office shown in its most recent annual
18 report or in any subsequent communication received from the corporation stating the
19 current mailing address of its principal office or, if there is no mailing address for the
20 principal office on file, to the corporation at its registered office. Service on a
21 corporation under this subsection shall be effective for all purposes from and after the
22 date of such service on the Secretary of State."

23 Section 44. G.S. 55-9-05 reads as rewritten:

24 "§ 55-9-05. Exemptions.

25 The provisions of G.S. 55-9-02 shall not be applicable to any corporation that shall
26 be made the subject of a business combination by an other entity if: (i) the
27 corporation was not a public corporation (as defined in G.S. 55-1-40 (18a)) at the
28 time such other entity acquired in excess of ten percent (10%) of the voting shares;
29 (ii) on or before September 30, 1990 (or such earlier date as may be irrevocably
30 established by resolution of the board of directors), the board of directors of a
31 corporation to which G.S. 55-9-02 was not applicable on July 1, 1990, (other than a
32 corporation described in G.S. 55-9-05 (iii)) adopted a bylaw stating that the
33 provisions of this Article shall not be applicable to the corporation; (iii) in the case of
34 a corporation to which G.S. 55-9-02 was not applicable on July 1, 1990, as the result
35 of adoption by its board of directors under G.S. 55-9-05(ii) of a bylaw providing that
36 G.S. 55-9-02 not apply to such corporation, the board of directors of such corporation
37 shall not have rescinded such bylaw on or before September 30, 1990 (or such earlier
38 date as may be irrevocably established by resolution of the board of directors); (iv) in
39 the case of a corporation (including its predecessors) which becomes a public
40 corporation for the first time after July 1, 1990, such corporation adopts a bylaw
41 within 90 days of becoming a public corporation stating that the provisions of this
42 Article shall not be applicable to it; (v) in the case of a newly formed corporation
43 after April 23, 1987, the initial articles of incorporation of the corporation shall
44 provide that the provisions of this Article shall not be applicable; ~~or~~ (vi) such

1 business combination was the subject of an existing agreement of the corporation on
2 ~~April 23, 1987.~~ April 23, 1987; or (vii) on or after September 1, 2000, and on or
3 before December 31, 2000, the board of directors of a corporation to which G.S. 55-
4 9-02 was applicable on September 1, 2000, adopts a bylaw stating that the provisions
5 of this Article shall not be applicable to the corporation. Neither the adoption or
6 failure to adopt a bylaw of the type set forth in ~~G.S. 55-9-05(ii) or (iv)~~ G.S. 55-9-
7 05(ii), (iv), or (vii) of this section nor the rescission or failure to rescind a bylaw of
8 the type referred to in G.S. 55-9-05(iii) shall constitute grounds for any cause of
9 action, at law or in equity, against the corporation or any of its directors."

10 Section 45. G.S. 55-11-10(e1) reads as rewritten:

11 "(e1) If the surviving business entity is not a domestic limited liability company, a
12 domestic corporation, a domestic nonprofit corporation, or a domestic limited
13 partnership, when the merger takes effect the surviving business entity is deemed:

14 (1) To agree that it may be served with process in this State in any
15 proceeding for enforcement (i) of any obligation of any merging
16 domestic limited liability company, domestic corporation, domestic
17 nonprofit corporation, domestic limited partnership, or other
18 partnership as defined in G.S. 59-36 that is formed under the laws
19 of this State, (ii) the rights of dissenting shareholders of any
20 merging domestic corporation under Article 13 of this Chapter,
21 and (iii) any obligation of the surviving business entity arising from
22 the merger; and

23 (2) If the surviving business entity does not have a registered agent in
24 this State, to have appointed the Secretary of State as its registered
25 agent for service of process in any such proceeding until such time
26 as the surviving business entity appoints a registered agent in this
27 State. Service on the Secretary of State of any such process shall
28 be made by delivering to and leaving with the Secretary of State or
29 with any clerk authorized by the Secretary of State to accept
30 service of process, duplicate copies of such ~~process.~~ process and
31 the fee required by G.S. 55-1-22(b). Upon receipt of service of
32 process on behalf of a surviving business ~~entity,~~ entity in the
33 manner provided for in this section, the Secretary of State shall
34 immediately mail a copy of the process by registered or certified
35 mail, return receipt requested, to the surviving business entity at its
36 address shown in the articles of merger or, if an application for a
37 certificate of withdrawal by reason of merger has been filed, at the
38 address for service of process contained in that application."

39 Section 46. G.S. 55A-5-04(b) reads as rewritten:

40 "(b) When a corporation fails to appoint or maintain a registered agent in this
41 State, or when its registered agent cannot with due diligence be found at the
42 registered office, the Secretary of State shall be an agent of the corporation upon
43 whom any process, notice, or demand may be served. Service on the Secretary of
44 State of any process, notice, or demand shall be made by delivering to and leaving

1 with the Secretary of State or with any clerk having charge of the corporation
2 department of ~~his~~ the Secretary of State's office, duplicate copies of such process,
3 notice, or ~~demand~~: demand and the fee required by G.S. 55A-1-22(b). In the event
4 any process, notice, or demand is served on the Secretary of ~~State~~, he State in the
5 manner provided for in this section, the Secretary of State shall immediately mail one
6 of the copies thereof, by registered or certified mail, return receipt requested, to the
7 corporation at its principal office shown in its most recent annual report, if
8 applicable, the articles of incorporation, the Designation of Principal Office Address
9 form, in any subsequent Corporation's Statement of Change of Principal Office
10 Address form, or in any subsequent communication received from the corporation
11 stating the current mailing address of its principal office or, if there is no mailing
12 address for the principal office on file, to the corporation at its registered office.
13 Service on a corporation under this subsection shall be effective for all purposes from
14 and after the date of such service on the Secretary of State."

15 Section 47. G.S. 55-9A-09 reads as rewritten:

16 "**§ 55-9A-09. Exemptions.**

17 The provisions of this Article shall not be applicable to any corporation if, on or
18 before September 30, 1990, or such earlier date as may be irrevocably established by
19 resolution of the board of directors, or at any time before the corporation becomes,
20 or after it ceases to be, a covered corporation, the board of directors adopts a bylaw
21 stating that the provisions of this Article shall not be applicable to the corporation;
22 or, in the case of a corporation formed after August 12, 1987, its initial articles of
23 incorporation provide that this Article shall not be applicable to the ~~corporation~~:
24 corporation; or on or after September 1, 2000, and on or before December 31, 2000,
25 the board of directors of a corporation to which the provisions of this Article were
26 applicable on September 1, 2000, adopts a bylaw stating that the provisions of this
27 Article shall not be applicable to the corporation. Neither adoption nor failure to
28 adopt such a bylaw or provision shall constitute grounds for any cause of action
29 against the corporation, or any officer or director of the corporation."

30 Section 48. G.S. 55A-11-09(e1) reads as rewritten:

31 "(e1) If the surviving business entity is not a domestic limited liability company, a
32 domestic business corporation, a domestic nonprofit corporation, or a domestic
33 limited partnership, when the merger takes effect the surviving business entity is
34 deemed:

35 (1) To agree that it may be served with process in this State in any
36 proceeding for enforcement of (i) any obligation of any merging
37 domestic limited liability company, domestic business corporation,
38 domestic nonprofit corporation, domestic limited partnership, or
39 other partnership as defined in G.S. 59-36 that is formed under the
40 laws of this State, (ii) the rights of dissenting shareholders of any
41 merging domestic business corporation under Article 13 of Chapter
42 55 of the General Statutes, and (iii) any obligation of the surviving
43 business entity arising from the merger; and

1 (2) If the surviving business entity does not have a registered agent in
2 this State, to have appointed the Secretary of State as its registered
3 agent for service of process in any such proceeding until such time
4 as the surviving business entity appoints a registered agent in this
5 State. Service on the Secretary of State of any such process shall
6 be made by delivering to and leaving with the Secretary of State or
7 with any clerk authorized by the Secretary of State to accept
8 service of process, duplicate copies of such ~~process~~ process and
9 the fee required by G.S. 55A-1-22(b). Upon receipt of service of
10 process on behalf of a surviving business ~~entity~~, entity in the
11 manner provided for in this section, the Secretary of State shall
12 immediately mail a copy of the process by registered or certified
13 mail, return receipt requested, to the surviving business entity at its
14 address shown in the articles of merger or, if an application for a
15 certificate of withdrawal by reason of merger has been filed, at the
16 address for service of process contained in that application."

17 Section 49. G.S. 57C-2-43(b) reads as rewritten:

18 "(b) Whenever a limited liability company shall fail to appoint or maintain a
19 registered agent in this State, or whenever its registered agent cannot with due
20 diligence be found at the registered office, then the Secretary of State shall be an
21 agent of the limited liability company upon whom any process, notice, or demand
22 may be served. Service on the Secretary of State of any such process, notice, or
23 demand shall be made by delivering to and leaving with the Secretary of State or
24 with any clerk having charge of the limited liability company department of the
25 Secretary of State's office, duplicate copies of the process, notice, or ~~demand~~
26 demand and the fee required by G.S. 57C-1-22(b). In the event any such process,
27 notice, or demand is served on the Secretary of ~~State~~, State in the manner provided
28 for in this section, the Secretary of State shall immediately mail one of the copies
29 thereof, by registered or certified mail, return receipt requested, to the limited
30 liability company at its principal office shown in its most recent annual report, at the
31 address indicated in the latest communication received by the Secretary of State from
32 the limited liability company stating the current mailing address of its principal office
33 or, if there is no mailing address for the principal office on file, to the limited liability
34 company at its registered office. Service on a limited liability company under this
35 subsection shall be effective for all purposes from and after the date of the service on
36 the Secretary of State."

37 Section 50. G.S. 57C-7-04(a) reads as rewritten:

38 "(a) A foreign limited liability company may apply for a certificate of authority to
39 transact business in this State by delivering an application to the Secretary of State
40 for filing. The application must set forth:

- 41 (1) The name of the foreign limited liability company or, if its name is
42 unavailable for use in this State, a name that satisfies the
43 requirements of G.S. 57C-7-06;
- 44 (2) The name of the state or country under whose law it is organized;

- 1 (3) Its date of organization and period of duration;
2 (4) The street address, and the mailing address if different from the
3 street address, of its principal ~~office in the state or country under~~
4 ~~whose law it is organized;~~ office;
5 (5) The street address, and the mailing address if different from the
6 street address, of its registered office in this State and the name of
7 its registered agent at that office; and
8 (6) The names and usual business addresses of its current managers."

9 Section 51. G.S. 57C-9A-23(b) reads as rewritten:

10 "(b) If the surviving business entity is not a domestic limited liability company, a
11 domestic corporation, a domestic nonprofit corporation, or a domestic limited
12 partnership when the merger takes effect, the surviving business entity is deemed:

- 13 (1) To agree that it may be served with process in this State in any
14 proceeding for enforcement of (i) any obligation of any merging
15 domestic limited liability company, domestic corporation, domestic
16 nonprofit corporation, domestic limited partnership, or other
17 partnership as defined in G.S. 59-36 that is formed under the laws
18 of this State, (ii) the rights of dissenting shareholders of any
19 merging domestic corporation under Article 13 of Chapter 55 of
20 the General Statutes, and (iii) any obligation of the surviving
21 business entity arising from the merger; and

- 22 (2) If the surviving business entity does not have a registered agent in
23 this State, to have appointed the Secretary of State as its registered
24 agent for service of process in any such proceeding until such time
25 as the surviving business entity appoints a registered agent in this
26 State. Service on the Secretary of State of any such process shall
27 be made by delivering to and leaving with the Secretary of State or
28 with any clerk authorized by the Secretary of State to accept
29 service of process, duplicate copies of such ~~process~~ process and
30 the fee required by G.S. 57C-1-22(b). Upon receipt of service of
31 process on behalf of a surviving business ~~entity~~, entity in the
32 manner provided for in this section, the Secretary of State shall
33 immediately mail a copy of the process by registered or certified
34 mail, return receipt requested, to the surviving business entity at its
35 address shown in the articles of merger or, if an application for a
36 certificate of withdrawal by reason of merger has been filed, at the
37 address for service of process contained in that application."

38 Section 52. G.S. 59-73.6(b) reads as rewritten:

39 "(b) If the surviving business entity is not a domestic limited liability company, a
40 domestic corporation, a domestic nonprofit corporation, or a domestic limited
41 partnership when the merger takes effect, the surviving business entity is deemed:

- 42 (1) To agree that it may be served with process in this State in any
43 proceeding for enforcement of (i) any obligation of any merging
44 domestic limited liability company, domestic corporation, domestic

1 nonprofit corporation, domestic limited partnership, or other
2 partnership as defined in G.S. 59-36 that is formed under the laws
3 of this State, (ii) the rights of dissenting shareholders of any
4 merging domestic corporation under Article 13 of Chapter 55 of
5 the General Statutes, and (iii) any obligation of the surviving
6 business entity arising from the merger; and

7 (2) If the surviving business entity does not have a registered agent in
8 this State, to have appointed the Secretary of State as its registered
9 agent for service of process in any such proceeding until such time
10 as the surviving business entity appoints a registered agent in this
11 State. Service on the Secretary of State of any such process shall
12 be made by delivering to and leaving with the Secretary of State or
13 with any clerk authorized by the Secretary of State to accept
14 service of process, duplicate copies of such ~~process~~ process and
15 the fees required by G.S. 59-73.7(c). Upon receipt of service of
16 process on behalf of a surviving business ~~entity~~ entity in the
17 manner provided for in this section, the Secretary of State shall
18 immediately mail a copy of the process by registered or certified
19 mail, return receipt requested, to the surviving business entity at its
20 address shown in the articles of merger or, if an application for a
21 certificate of withdrawal by reason of merger has been filed, at the
22 address for service of process contained in that application."

23 Section 53. G.S. 59-84.2(h) reads as rewritten:

24 "~~(h) An amendment or withdrawal of a registration is effective on the later of the~~
25 ~~date it is filed or a deferred effective date specified in the amendment or withdrawal.~~
26 A registration is amended by filing a certificate of amendment thereto in the office of
27 the Secretary of State. The certificate shall set forth the following:

- 28 (1) The name of the partnership.
29 (2) The date of filing of the registration.
30 (3) The amendment to the registration."

31 Section 54. G.S. 59-91(f) reads as rewritten:

32 "~~(f) An amendment or withdrawal of a registration is effective on the later of the~~
33 ~~date it is filed or a deferred effective date specified in the amendment or withdrawal.~~
34 A registration is amended by filing a certificate of amendment thereto in the office of
35 the Secretary of State. The certificate shall set forth the following:

- 36 (1) The name of the partnership.
37 (2) The date of filing of the registration.
38 (3) The amendment to the registration."

39 Section 55. G.S. 59-902(a)(4) reads as rewritten:

40 "(a) Before transacting business in this State, a foreign limited partnership shall
41 procure a certificate of authority to transact business in this State from the Secretary
42 of State. No foreign limited partnership shall be entitled to transact in this State any
43 business which a limited partnership organized under this Article is not permitted to
44 transact. In order to register, a foreign limited partnership shall deliver to the

1 Secretary of State an original and one conformed copy of an application for
2 registration as a foreign limited partnership, signed by a general partner and setting
3 forth:

- 4 (1) The name of the foreign limited partnership and, if different, the
5 name under which it proposes to register and transact business in
6 this State;
- 7 (2) The jurisdiction and date of its formation;
- 8 (3) The date of formation and the period of duration;
- 9 (4) The address, including county and city or town, and street and
10 number, if any, of the principal office of the foreign limited
11 ~~partnership in the jurisdiction under the laws of which it is formed;~~
12 partnership;
- 13 (5) The address, including county and city or town, and street and
14 number, if any, of the proposed registered office of the foreign
15 limited partnership in this State, and the name of its proposed
16 registered agent in this State at such address; the agent must be an
17 individual resident of this State, a domestic corporation, or a
18 foreign corporation having a place of business in, and authorized
19 to do business in this State;
- 20 (6) If the certificate of limited partnership filed in the foreign limited
21 partnership's state of organization is not required to include the
22 names and addresses of the partners, a list of the names and
23 addresses or, at the election of the foreign limited partnership, a
24 list of the names and addresses of the general partners and the
25 address, including county and city or town, and street and number,
26 of the office at which is kept a list of the names and addresses of
27 the limited partners and their capital contributions, together with
28 an undertaking by the foreign limited partnership to keep such
29 records until such foreign limited partnership's registration in this
30 State is cancelled;
- 31 (7) A statement that in consideration of the issuance of a certificate of
32 authority to transact business in this State, the foreign limited
33 partnership appoints the Secretary of State of North Carolina as
34 the agent to receive service of process, notice, or demand,
35 whenever the foreign limited partnership fails to appoint or
36 maintain a registered agent in this State or whenever any such
37 registered agent cannot with reasonable diligence be found at the
38 registered office;
- 39 (8) The names and addresses including county and city or town, and
40 street and number, if any, of all of the general partners;
- 41 (9) The execution of a certificate or amendment by a general partner
42 constitutes an affirmation under the penalties of perjury that the
43 facts stated therein are true."

44 Section 56. G.S. 62-302 reads as rewritten:

1 "§ 62-302. Regulatory fee.

2 (a) Fee Imposed. -- It is the policy of the State of North Carolina to provide fair
3 regulation of public utilities in the interest of the public, as provided in G.S. 62-2.
4 The cost of regulating public utilities is a burden incident to the privilege of
5 operating as a public utility. Therefore, for the purpose of defraying the cost of
6 regulating public utilities, every public utility subject to the jurisdiction of the
7 Commission shall pay a quarterly regulatory fee, in addition to all other fees and
8 taxes, as provided in this section. The fees collected shall be used only to pay the
9 expenses of the Commission and the Public Staff in regulating public utilities in the
10 interest of the public.

11 It is also the policy of the State to provide limited oversight of certain electric
12 membership corporations as provided in G.S. 62-53. Therefore, for the purpose of
13 defraying the cost of providing the oversight authorized by G.S. 62-53 and G.S.
14 117-18.1, each fiscal year each electric membership corporation whose principal
15 purpose is to furnish or cause to be furnished bulk electric supplies at wholesale as
16 provided in G.S. 117-16 shall pay an annual fee as provided in this section.

17 (b) Public Utility Rate. --

18 (1) ~~For the 1989-90 fiscal year, the regulatory fee shall be the greater~~
19 ~~of (i) twelve hundredths percent (0.12%) of each public utility's~~
20 ~~North Carolina jurisdictional revenues for each quarter or (ii) six~~
21 ~~dollars and twenty-five cents (\$6.25) each quarter.~~

22 (2) ~~For fiscal years beginning on or after July 1, 1990, the~~ The public
23 utility regulatory fee for each fiscal year shall be the greater of (i) a
24 percentage rate, established by the General Assembly, of each
25 public utility's North Carolina jurisdictional revenues for each
26 quarter or (ii) six dollars and twenty-five cents (\$6.25) each
27 quarter.

28 When the Commission prepares its budget request for the
29 upcoming fiscal year, the Commission shall propose a percentage
30 rate of the public utility regulatory fee. For fiscal years beginning
31 in an odd-numbered year, that proposed rate shall be included in
32 the budget message the Governor submits to the General Assembly
33 pursuant to G.S. 143-11. For fiscal years beginning in an even-
34 numbered year, that proposed rate shall be included in a special
35 budget message the Governor shall submit to the General
36 Assembly. The General Assembly shall set the percentage rate of
37 the public utility regulatory fee by law.

38 The percentage rate may not exceed the amount necessary
39 to generate funds sufficient to defray the estimated cost of the
40 operations of the Commission and the Public Staff for the
41 upcoming fiscal year, including a reasonable margin for a reserve
42 fund. The amount of the reserve may not exceed the estimated cost
43 of operating the Commission and the Public Staff for the upcoming
44 fiscal year. In calculating the amount of the reserve, the General

1 Assembly shall consider all relevant factors that may affect the cost
2 of operating the Commission or the Public Staff or a possible
3 unanticipated increase or decrease in North Carolina jurisdictional
4 revenues.

5 (3) If the Commission, the Public Staff, or both experience a revenue
6 shortfall, the Commission shall implement a temporary public
7 utility regulatory fee surcharge to avert the deficiency that would
8 otherwise occur. In no event may the total percentage rate of the
9 public utility regulatory fee plus any surcharge established by the
10 Commission exceed twenty-five hundredths percent (0.25%).

11 (4) As used in this section, the term 'North Carolina jurisdictional
12 revenues' means all revenues derived or realized from intrastate
13 tariffs, rates, and charges approved or allowed by the Commission
14 or collected pursuant to Commission order or rule, but not
15 including tap-on fees or any other form of contributions in aid of
16 construction.

17 (b1) Electric Membership Corporation Rate. -- ~~For the purpose of providing the~~
18 ~~oversight authorized by G.S. 62-53 and G.S. 117-18.1, beginning with the 1999-2000~~
19 ~~fiscal year the North Carolina Electric Membership Corporation shall pay an annual~~
20 ~~flat fee to the fund established in subsection (d) of this section. The amount of the~~
21 ~~annual~~ electric membership corporation regulatory fee for each fiscal year shall be a
22 dollar amount as established by the General Assembly by law.

23 When the Commission prepares its budget request for the upcoming fiscal year, the
24 Commission shall propose the amount of the electric membership corporation
25 regulatory fee. For fiscal years beginning in an odd-numbered year, the proposed
26 amount shall be included in the budget message the Governor submits to the General
27 Assembly pursuant to G.S. 143-11. For fiscal years beginning in an even-numbered
28 year, the proposed amount shall be included in a special budget message the
29 Governor shall submit to the General Assembly.

30 The amount of the electric membership corporation regulatory fee proposed by the
31 Commission may not exceed the amount necessary to defray the estimated cost of the
32 operations of the Commission and the Public Staff for the regulation of the electric
33 membership corporations in the upcoming fiscal year, including a reasonable margin
34 for a reserve fund. The amount of the reserve may not exceed the estimated cost of
35 the Commission and the Public Staff for the regulation of the electric membership
36 corporations for the upcoming fiscal year. ~~The fee will be assessed on a quarterly~~
37 ~~basis and will be due and payable to the Commission on or before the 15th day of the~~
38 ~~second month following the end of each quarter.~~

39 (c) When Due. -- The electric membership corporation regulatory fee imposed
40 under this section shall be paid in quarterly installments. The fee is due and payable
41 to the Commission on or before the 15th day of the second month following the end
42 of each quarter.

43 The public utility regulatory fee imposed under this section, ~~except the fee~~
44 ~~imposed by subsection (b1) of this section,~~ section is due and payable to the

1 Commission on or before the 15th day of the second month following the end of each
2 quarter. Every public utility subject to the public utility regulatory fee shall, on or
3 before the date the fee is due for each quarter, prepare and render a report on a form
4 prescribed by the Commission. The report shall state the public utility's total North
5 Carolina jurisdictional revenues for the preceding quarter and shall be accompanied
6 by any supporting documentation that the Commission may by rule require. Receipts
7 shall be reported on an accrual basis.

8 If a public utility's report for the first quarter of any fiscal year shows that
9 application of the percentage rate would yield a quarterly fee of twenty-five dollars
10 (\$25.00) or less, the public utility shall pay an estimated fee for the entire fiscal year
11 in the amount of twenty-five dollars (\$25.00). If, after payment of the estimated fee,
12 the public utility's subsequent returns show that application of the percentage rate
13 would yield quarterly fees that total more than twenty-five dollars (\$25.00) for the
14 entire fiscal year, the public utility shall pay the cumulative amount of the fee
15 resulting from application of the percentage rate, to the extent it exceeds the amount
16 of fees, other than any surcharge, previously paid.

17 (d) Use of Proceeds. -- A special fund in the office of State Treasurer, the Utilities
18 Commission and Public Staff Fund, is created. The fees collected pursuant to this
19 section and all other funds received by the Commission or the Public Staff, except for
20 the clear proceeds of civil penalties collected pursuant to G.S. 62-50(d) and the clear
21 proceeds of funds forfeited pursuant to G.S. 62-310(a), shall be deposited in the
22 Utilities Commission and Public Staff Fund. The Fund shall be placed in an interest
23 bearing account and any interest or other income derived from the Fund shall be
24 credited to the Fund. Moneys in the Fund shall only be spent pursuant to
25 appropriation by the General Assembly.

26 The Utilities Commission and Public Staff Fund shall be subject to the provisions
27 of the Executive Budget Act except that no unexpended surplus of the Fund shall
28 revert to the General Fund. All funds credited to the Utilities Commission and Public
29 Staff Fund shall be used only to pay the expenses of the Commission and the Public
30 Staff in regulating public utilities in the interest of the public as provided by this
31 Chapter and in regulating electric membership corporations as provided in G.S. 117-
32 18.1.

33 The clear proceeds of civil penalties collected pursuant to G.S. 62-50(d) and the
34 clear proceeds of funds forfeited pursuant to G.S. 62-310(a) shall be remitted to the
35 Civil Penalty and Forfeiture Fund in accordance with G.S. 115C-457.2."

36 Section 57. G.S. 66-273 reads as rewritten:

37 "**§ 66-273. Prerequisites for authentication.**

38 All of the following conditions must be met before a document can be
39 authenticated:

- 40 (1) All seals and signatures must be originals.
- 41 (2) All dates must follow in chronological order on all certifications.
- 42 (3) All acknowledgments to be authenticated by the Secretary shall be
43 in English or accompanied by a certified or notarized English
44 translation.

1 (4) Whenever a copy is used, it must include a statement that it is a
2 true and accurate copy.

3 (5) Whenever a document is to be authenticated by the United States
4 Department of State, it must comply with all applicable statutes,
5 rules, and regulations of that office."

6 Section 58. G.S. 66-291 reads as rewritten:

7 "§ 66-291. Requirements.

8 (a) Any tobacco product manufacturer selling cigarettes to consumers within the
9 State (whether directly or through a distributor, retailer, or similar intermediary or
10 intermediaries) after the effective date of this Article shall do one of the following:

11 (1) Become a participating manufacturer (as that term is defined in
12 section II(jj) of the Master Settlement Agreement) and generally
13 perform its financial obligations under the Master Settlement
14 Agreement; or

15 (2) Place into a qualified escrow fund by April 15 of the year
16 following the year in question the following amounts (as such
17 amounts are adjusted for inflation):

18 a. 1999: \$.0094241 per unit sold after the effective date of this
19 Article.

20 b. 2000: \$.0104712 per unit sold.

21 c. For each of 2001 and 2002: \$.0136125 per unit sold.

22 d. For each of 2003 through 2006: \$.0167539 per unit sold.

23 e. For each of 2007 and each year thereafter: \$.0188482 per
24 unit sold.

25 (b) A tobacco product manufacturer that places funds into escrow pursuant to
26 subdivision (2) of ~~section subsection~~ (a) of this ~~subsection section~~ shall receive the
27 interest or other appreciation on such funds as earned. Such funds themselves shall
28 be released from escrow only under the following circumstances:

29 (1) To pay a judgment or settlement on any released claim brought
30 against such tobacco product manufacturer by the State or any
31 releasing party located or residing in the State. Funds shall be
32 released from escrow under this subdivision (i) in the order in
33 which they were placed into escrow and (ii) only to the extent and
34 at the time necessary to make payments required under such
35 judgment or settlement;

36 (2) To the extent that a tobacco product manufacturer establishes that
37 the amount it was required to place into escrow in a particular
38 year was greater than the State's allocable share of the total
39 payments that such manufacturer would have been required to
40 make in that year under the Master Settlement Agreement (as
41 determined pursuant to section IX(i)(2) of the Master Settlement
42 Agreement, and before any of the adjustments or offsets described
43 in section IX(i)(3) of that Agreement other than the Inflation
44 Adjustment) had it been a participating manufacturer, the excess

1 shall be released from escrow and revert back to such tobacco
2 product manufacturer; or

3 (3) To the extent not released from escrow under subdivisions (1) or
4 (2) of this subsection, funds shall be released from escrow and
5 revert back to such tobacco product manufacturer 25 years after
6 the date on which they were placed into escrow.

7 (c) Each tobacco product manufacturer that elects to place funds into escrow
8 pursuant to this section shall annually certify to the Attorney General that it is in
9 compliance with this section. The Attorney General may bring a civil action on
10 behalf of the State against any tobacco product manufacturer that fails to place into
11 escrow the funds required under this section. Any tobacco product manufacturer that
12 fails in any year to place into escrow the funds required under this section shall:

13 (1) Be required within 15 days to place such funds into escrow as shall
14 bring it into compliance with this section. The court, upon a
15 finding of a violation ~~of this subsection~~, either of subdivision (2) of
16 subsection (a) of this section or subsection (b) of this section, or of
17 this section, may impose a civil penalty (the clear proceeds of
18 which shall be paid to the Civil Penalty and Forfeiture Fund in
19 accordance with G.S. 115C-457.2) in an amount not to exceed five
20 percent (5%) of the amount improperly withheld from escrow per
21 day of the violation and in a total amount not to exceed one
22 hundred percent (100%) of the original amount improperly
23 withheld from escrow;

24 (2) In the case of a knowing violation, be required within 15 days to
25 place such funds into escrow as shall bring it into compliance with
26 this section. The court, upon a finding of a knowing violation
27 either of subdivision (2) of subsection (a) of this section, or
28 subsection (b) of this section, or of this section, may impose a civil
29 penalty (the clear proceeds of which shall be paid to the Civil
30 Penalty and Forfeiture Fund in accordance with G.S. 115C-457.2)
31 in an amount not to exceed fifteen percent (15%) of the amount
32 improperly withheld from escrow per day of the violation and in a
33 total amount not to exceed three hundred percent (300%) of the
34 original amount improperly withheld from escrow; and

35 (3) In the case of a second knowing violation, be prohibited from
36 selling cigarettes to consumers within the State (whether directly or
37 through a distributor, retailer, or similar intermediary) for a period
38 not to exceed two years.

39 Each failure to make an annual deposit required under this section shall constitute
40 a separate violation."

41 Section 59.(a) G.S. 85B-3.2(a) reads as rewritten:

42 "(a) Definitions. -- The following definitions shall apply in this section:

43 (1) Applicant -- An applicant for initial licensure as an ~~auctioneer~~
44 auctioneer, apprentice auctioneer, or auction firm.

- 1 (2) Criminal history -- A State or federal history of conviction of a
2 crime, whether a misdemeanor or felony, that bears upon an
3 applicant's fitness to be licensed as an ~~auctioneer~~: auctioneer,
4 apprentice auctioneer, or auction firm."

5 Section 59.(b) G.S. 85B-3.2(d) reads as rewritten:

6 "(d) If the applicant's verified criminal history record check reveals one or more
7 convictions of a crime that is punishable as a felony offense, or the conviction of any
8 crime involving fraud or moral turpitude, the Commission may deny the applicant's
9 license. However, the conviction shall not automatically prohibit licensure, and the
10 following factors shall be considered by the Commission in determining whether
11 licensure shall be denied:

- 12 (1) The level and seriousness of the crime.
13 (2) The date of the crime.
14 (3) The age of the person at the time of the crime.
15 (4) The circumstances surrounding the commission of the crime, if
16 known.
17 (5) The nexus between the criminal conduct of the applicant and the
18 applicant's duties as an ~~auctioneer~~: auctioneer, apprentice
19 auctioneer, or auction firm.
20 (6) The prison, jail, probation, parole, rehabilitation, and employment
21 records of the applicant since the date the crime was committed.
22 (7) The subsequent commission by the person of a crime."

23 Section 59.(c) The catch line for G.S. 114-19.8 reads as rewritten:

24 "**§ 114-19.8. Criminal record checks of applicants for ~~auctioneer~~ auctioneer,**
25 **apprentice auctioneer, or auction firm license."**

26 Section 59.(d) This section becomes effective October 1, 2000, and
27 applies to applications for licensure for auctioneers, apprentice auctioneers, and
28 auction firms filed on or after that date.

29 Section 60. G.S. 90-178.3 reads as rewritten:

30 "**§ 90-178.3. Regulation of midwifery.**

31 (a) No person shall practice or offer to practice or hold oneself out to practice
32 midwifery unless approved pursuant to this Article.

33 (b) A person approved pursuant to this Article may practice midwifery in a
34 hospital or non-hospital setting and shall practice under the supervision of a
35 physician licensed to practice medicine who is actively engaged in the practice of
36 obstetrics. A registered nurse approved pursuant to this Article is authorized to write
37 prescriptions for drugs in accordance with the same conditions applicable to a nurse
38 practitioner under G.S. 90-18.2(b).

39 (c) Graduate nurse midwife applicant status may be granted by the joint
40 subcommittee in accordance with G.S. 90-178.4."

41 Section 61. The catch line of G.S. 105-40 reads as rewritten:

42 "**§ 105-40. Amusements -- Certain exhibitions, performances, and entertainments**
43 **exempt from license tax."**

44 Section 62. G.S. 105-116(d) reads as rewritten:

1 "(d) Distribution. -- Part of the taxes imposed by this section on electric power
2 ~~companies, natural gas companies, and regional natural gas districts~~ companies is
3 distributed to cities under G.S. 105-116.1."

4 Section 63.(a) G.S. 105-129.17(b) reads as rewritten:

5 "(b) Cap. -- ~~A total~~ The credits allowed in this Article may not exceed fifty
6 percent (50%) of the tax against which they are claimed for the taxable year, reduced
7 by the sum of all other credits allowed against that tax, except tax payments made by
8 or on behalf of the taxpayer. This limitation applies to the cumulative amount of
9 credit, including carryforwards, claimed by the taxpayer under this Article against
10 each tax for the taxable year. Any unused portion of the credits may be carried
11 forward for the succeeding five years."

12 Section 63.(b) G.S. 105-129.18 reads as rewritten:

13 "**§ 105-129.18. Substantiation.**

14 To claim a ~~credits~~ credit allowed by this Article, the taxpayer must provide any
15 information required by the Secretary of Revenue. Every taxpayer claiming a credit
16 under this Article must maintain and make available for inspection by the Secretary
17 of Revenue any records the Secretary considers necessary to determine and verify the
18 amount of the credit to which the taxpayer is entitled. The burden of proving
19 eligibility for a credit and the amount of the credit rests upon the taxpayer, and no
20 credit may be allowed to a taxpayer that fails to maintain adequate records or to
21 make them available for inspection."

22 Section 63.(c) G.S. 105-129.19 reads as rewritten:

23 "**§ 105-129.19. Reports.**

24 The Department of Revenue shall report to the Legislative Research Commission
25 and to the Fiscal Research Division of the General Assembly by May 1 of each year
26 the following information for the 12-month period ending the preceding April 1:

27 (1) The number of taxpayers that claimed the credits allowed in this
28 Article.

29 (2) The cost of business property and renewable energy property with
30 respect to which ~~business property~~ credits were claimed.

31 (2a) The location of each qualified North Carolina low-income building
32 with respect to which a low-income housing credit was claimed.

33 (3) The total cost to the General Fund of the credits claimed."

34 Section 64.(a) G.S. 105-130.15(a) reads as rewritten:

35 "(a) The net income of a corporation shall be computed in accordance with the
36 method of accounting it regularly employed employs in keeping ~~the books of such~~
37 ~~corporation, but such method of accounting must~~ its books. The method must be
38 consistent with respect to both income and ~~deductions, but if in any case such~~
39 deductions. If this method does not clearly reflect the income, the computation shall
40 be made in accordance with ~~such method as in the opinion of the Secretary of~~
41 Revenue a method that, in the Secretary's opinion, does clearly reflect the income,
42 but shall follow as nearly as practicable the federal practice, unless contrary to the
43 context and intent of this Part.

1 The Secretary may ~~in his discretion~~ adopt the rules and regulations and any
2 guidelines administered or established by the Internal Revenue Service unless
3 contrary to any provisions of this Part."

4 Section 64.(b) G.S. 105-130.17(a) reads as rewritten:

5 "(a) Returns must be filed as prescribed by the Secretary at the place prescribed
6 by the Secretary. Returns must be in the form prescribed by the Secretary. The
7 Secretary shall furnish forms in accordance with G.S. 105-254, shall be in such form
8 as the Secretary of Revenue may from time to time prescribe, and shall be filed with
9 the Secretary at his office, or at any branch office which he may establish. The
10 Secretary shall cause to be prepared blank forms for the said returns, and shall cause
11 them to be distributed throughout the State, and shall furnish them upon request; but
12 failure to receive or secure the form shall not relieve any corporation from the
13 obligation of making any return herein required."

14 Section 64.(c) G.S. 105-130.18 reads as rewritten:

15 "**§ 105-130.18. Failure to file returns; supplementary returns.**

16 If the Secretary of Revenue ~~shall be of the opinion that any~~ determines that a
17 corporation has failed to file a return or to include in a return filed, either
18 intentionally or through error, items of taxable income ~~he may require of such~~
19 income, the Secretary may require from the corporation a return or supplementary
20 return, under affirmation, ~~in such form as he shall prescribe,~~ of all the items of
21 income ~~which~~ that the corporation received during the year for which the return is
22 made, whether or not taxable under this Part. If from a supplementary return or
23 otherwise the Secretary finds that any items of income, taxable under this Part, have
24 been omitted from the original return, ~~or that~~ any items returned as taxable ~~that~~ are
25 not taxable, or that any item of taxable income is overstated or understated, ~~he may~~
26 require any such item to be disclosed to him the Secretary may require that the item
27 be disclosed under affirmation of the corporation, and ~~to~~ be added to or deducted
28 from the original return. ~~Such~~ The filing of a supplementary return and the
29 correction of the original return ~~shall~~ does not relieve the corporation from any of
30 the penalties ~~to which it may be liable under the provisions of~~ under G.S. 105-236.
31 The Secretary may proceed under the provisions of G.S. 105-241.1, whether or not
32 the Secretary ~~he~~ requires a return or a supplementary return under this section."

33 Section 65. G.S. 105-134.6(b) is amended by adding a new subdivision to
34 read:

35 "(b) Deductions. -- The following deductions from taxable income shall be made
36 in calculating North Carolina taxable income, to the extent each item is included in
37 taxable income:

38 . . .

39 (5b) The amount received during the taxable year from one or more
40 State, local, or federal government retirement plans to the extent
41 the amount is exempt from tax under this Part pursuant to a court
42 order in settlement of the following cases: Bailey v. State, 92 CVS
43 10221, 94 CVS 6904, 95 CVS 6625, 95 CVS 8230; Emory v. State,
44 98 CVS 0738; and Patton v. State, 95 CVS 04346. Amounts

1 deducted under this subdivision may not also be deducted under
2 subdivision (6) of this subsection."

3 Section 66. G.S. 105-163.44 is repealed.

4 Section 67.(a) G.S. 105-164.4(c) reads as rewritten:

5 "(c) Certificate of Registration. -- Before a person may engage in business as a
6 ~~Before a person may engage in business as a~~ retailer or a wholesale merchant, the
7 person must obtain a certificate of registration from the Department. ~~To obtain a~~
8 ~~certificate of registration, a person must register with the Department.~~

9 ~~A certificate of registration is valid unless it is revoked for failure to comply with~~
10 ~~the provisions of this Article or becomes void. A certificate issued to a retailer who~~
11 ~~makes taxable sales becomes void if, for a period of 18 months, the retailer files no~~
12 ~~returns or files returns showing no sales. Department in accordance with G.S. 105-~~
13 164.29."

14 Section 67.(b) G.S. 105-164.29 reads as rewritten:

15 "§ 105-164.29. Application for licenses certificate of registration by wholesale
16 merchants and retailers.

17 (a) Application. -- ~~Every application for a license by a wholesale merchant or~~
18 ~~retailer shall be made upon a form prescribed by the Secretary and shall set forth all~~
19 ~~information the Secretary may require. To obtain a certificate of registration, a~~
20 person must register with the Department. A wholesale merchant or retailer who has
21 more than one business is required to obtain only one certificate of registration to
22 cover all operations of the business throughout the State. An application for
23 registration must ~~The application shall be signed as follows:~~

- 24 (1) By the owner, if the owner is an individual.
25 (2) By a manager, member, or partner, if the owner is an association, a
26 partnership, or a limited liability company.
27 (3) By an executive officer or some other person specifically
28 authorized by the corporation to sign the application, if the owner
29 is a corporation. If the application is signed by a person authorized
30 to do so by the corporation, written evidence of the person's
31 authority must be attached to the application.

32 ~~A wholesale merchant or retailer whose business extends into more than one~~
33 ~~county is required to secure only one license to cover all operations of the business~~
34 ~~throughout the State.~~

35 (b) Issuance. -- ~~When the required application has been made the Secretary shall~~
36 ~~issue a license to the applicant. A license~~ A certificate of registration is not assignable
37 and is valid only for the person in whose name it is issued and for the transaction of
38 business at the place designated in the license. The license holder shall display the
39 license conspicuously at all times at the place for which it was issued. issued. A copy
40 of the certificate of registration must be displayed at each place of business.

41 (c) ~~Reissuance.~~ Term. -- A certificate of registration is valid unless it is revoked
42 for failure to comply with the provisions of this Article or becomes void. A certificate
43 issued to a retailer who makes taxable sales becomes void if, for a period of 18
44 months, the retailer files no returns or files returns showing no sales. A person whose

1 ~~license has been previously suspended or revoked shall pay the Secretary fifteen~~
2 ~~dollars (\$15.00) for the reissuance of the license. A wholesale merchant whose annual~~
3 ~~license has been previously suspended or revoked shall pay the Secretary twenty five~~
4 ~~dollars (\$25.00) for the reissuance of the license for the remainder of the license year.~~

5 (d) Revocation. -- Whenever a ~~license holder~~ wholesale merchant or retailer fails
6 to comply with this Article or violates G.S. 14-401.18, the Secretary, upon hearing,
7 after giving ~~the license holder~~ 10 days' notice in writing, specifying the time and
8 place of hearing and requiring the ~~license holder~~ wholesale merchant or retailer to
9 show cause why the ~~license~~ certificate of registration should not be revoked, may
10 revoke or suspend the ~~license~~ certificate of registration. The notice may be served
11 personally or by registered mail directed to the last known address of the ~~license~~
12 ~~holder~~ wholesale merchant or retailer. All provisions with respect to review and
13 appeals of the Secretary's decisions as provided by G.S. 105-241.2, 105-241.3, and
14 105-241.4 apply to this section.

15 ~~Any wholesale merchant or retailer who engages in business as a seller in this State~~
16 ~~without a license or after the license has been suspended or revoked, and each officer~~
17 ~~of any corporation that so engages in business shall be guilty of a Class 3~~
18 ~~misdemeanor and only subject to a fine of up to five hundred dollars (\$500.00) for~~
19 ~~each offense."~~

20 Section 67.(c) G.S. 105-164.38 reads as rewritten:

21 "§ 105-164.38. Tax ~~shall be~~ is a lien.

22 (a) The tax imposed by this Article ~~shall be~~ is a lien upon all personal property of
23 any person who is required by this Article to obtain a ~~license~~ certificate of
24 registration to engage in business and who stops engaging in the business by
25 transferring the business, transferring the stock of goods of the business, or going out
26 of business. A person who stops engaging in business ~~shall~~ must file the return
27 required by this Article within 30 days after transferring the business, transferring the
28 stock of goods of the business, or going out of business.

29 (b) Any person to whom the business or the stock of goods was transferred ~~shall~~
30 must withhold from the consideration paid for the business or stock of goods an
31 amount sufficient to cover the taxes due until the person selling the business or stock
32 of goods produces a statement from the Secretary showing that the taxes have been
33 paid or that no taxes are due. If the person who buys a business or stock of goods
34 fails to withhold an amount sufficient to cover the taxes and the taxes remain unpaid
35 after the 30-day period allowed, the buyer is personally liable for the unpaid taxes to
36 the extent of the greater of the following:

37 (1) The consideration paid by the buyer for the business or the stock
38 of goods.

39 (2) The fair market value of the business or the stock of goods.

40 (c) The period of limitations for assessing liability against the buyer of a business
41 or the stock of goods of a business and for enforcing the lien against the property
42 ~~shall expire~~ expires one year after the end of the period of limitations for assessment
43 against the person who sold the business or the stock of goods. Except as otherwise
44 provided in this section, a person who buys a business or the stock of goods of a

1 business and that person's liability for unpaid taxes are subject to the provisions of
2 G.S. 105-241.1, 105-241.2, 105-241.3, and 105-241.4 and to other remedies for the
3 collection of taxes to the same extent as if the person had incurred the original tax
4 liability."

5 Section 68. G.S. 105-187.6(b) reads as rewritten:

6 "(b) Partial Exemptions. -- A maximum tax of forty dollars (\$40.00) applies when
7 a certificate of title is issued as the result of a transfer of a motor vehicle:

8 (1) To a secured party who has a perfected security interest in the
9 motor vehicle.

10 (2) To a partnership, limited liability company, or corporation as an
11 incident to the formation of the partnership, limited liability
12 company, or corporation, and no gain or loss arises on the transfer
13 of the motor vehicle under section 351 or section 721 of the
14 ~~Internal Revenue Code as defined in G.S. 105-228.90, Code,~~ or to
15 a partnership, limited liability company, or corporation by merger,
16 conversion, or consolidation in accordance with applicable law."

17 Section 69. G.S. 105-228.90(b) is amended by adding a new subdivision
18 to read:

19 "(2) Department. -- The Department of Revenue."

20 Section 70. G.S. 105-236(10) reads as rewritten:

21 "(10) Failure to File Informational Returns. --

22 a. Repealed by Session Laws 1998-212, s. 29A.14(m).

23 b. The Secretary may request a person who fails to file timely
24 statements of payment to another person with respect to
25 wages, dividends, rents, or interest paid to that person to file
26 the statements by a certain date. If the payer fails to file the
27 statements by that date, the amounts claimed on the payer's
28 income tax return as deductions for salaries and wages, or
29 rents or interest shall be disallowed to the extent that the
30 payer failed to comply with the Secretary's request with
31 respect to the statements.

32 c. For failure to file an informational return required by
33 Article 36C or 36D of this Chapter by the date the return is
34 due, there shall be assessed a penalty of fifty dollars
35 (\$50.00)."

36 Section 71. G.S. 105-275(40) reads as rewritten:

37 "(40) Computer software and any documentation related to the
38 computer software. As used in this subdivision, the term "computer
39 software" means any program or routine used to cause a computer
40 to perform a specific task or set of tasks. The term includes system
41 and application programs and database storage and management
42 programs.

1 The exclusion established by this subdivision does not apply to
2 computer software and its related documentation if the computer
3 software meets one or more of the following descriptions:

- 4 a. It is embedded software. "Embedded software" means
5 computer instructions, known as microcode, that reside
6 permanently in the internal memory of a computer system
7 or other equipment and are not intended to be removed
8 without terminating the operation of the computer system or
9 equipment and removing a computer chip, a circuit, or
10 another mechanical device.
- 11 b. It is purchased or licensed from a person who is unrelated to
12 the taxpayer and it is capitalized on the books of the
13 taxpayer in accordance with generally accepted accounting
14 principles, including financial accounting standards issued
15 by the Financial Accounting Standards Board. A person is
16 unrelated to a taxpayer if (i) the taxpayer and the person are
17 not subject to any common ownership, either directly or
18 indirectly, and (ii) neither the taxpayer nor the person has
19 any ownership interest, either directly or indirectly, in the
20 other.

21 ~~This~~

22 This subdivision does not affect the value or taxable status
23 of any property that is otherwise subject to taxation under
24 this Subchapter.

25 The provisions of the exclusion established by this
26 subdivision are not severable. If any provision of this
27 subdivision or its application is held invalid, the entire
28 subdivision is repealed."

29 Section 72.(a) G.S. 105-275(41), as amended by Section 1 of S.L. 2000-2,
30 reads as rewritten:

31 "~~(41)~~ (42) A vehicle that is offered at retail for short-term lease or
32 rental and is owned or leased by an entity engaged in the
33 business of leasing or renting vehicles to the general public
34 for short-term lease or rental. For the purposes of this
35 subdivision, the term 'short-term lease or rental' shall have
36 the same meaning as in ~~G.S. 105-187.1~~ G.S. 105-187.1, and
37 the term 'vehicle' shall have the same meaning as in G.S.
38 153A-156(e) and G.S. 160A-215.1(e). A gross receipts tax as
39 set forth by G.S. 153A-156 and G.S. 160A-215.1 is
40 substituted for and replaces the ad valorem tax previously
41 levied on these vehicles."

42 Section 72.(b) G.S. 105-282.1(a) reads as rewritten:

43 "(a) Every owner of property claiming exemption or exclusion from property
44 taxes under the provisions of this Subchapter has the burden of establishing that the

1 property is entitled thereto. Except as provided below, an owner claiming exemption
2 or exclusion shall annually file an application for exemption or exclusion during the
3 listing period. If the property for which the exemption or exclusion is claimed is
4 appraised by the Department of Revenue, the application shall be filed with the
5 Department. Otherwise, the application shall be filed with the assessor of the county
6 in which the property is situated. An application must contain a complete and
7 accurate statement of the facts that entitle the property to the exemption or exclusion
8 and must indicate the municipality, if any, in which the property is located. Each
9 application filed with the Department of Revenue or an assessor shall be submitted
10 on a form approved by the Department. Application forms shall be made available by
11 the assessor and the Department, as appropriate.

- 12 (1) The United States government, the State of North Carolina and the
13 counties and municipalities of the State are exempted from the
14 requirement that owners file applications for exemption.
- 15 (2) Owners of the special classes of property excluded from taxation
16 under G.S. 105-275(5), (15), (16), (26), (31), (32a), (33), (34), ~~or~~
17 (40), or (42) or exempted under G.S. 105-278.2 are not required to
18 file applications for the exclusion or exemption of that property.
- 19 (3) After an owner of property entitled to exemption under G.S. 105-
20 278.3, 105-278.4, 105-278.5, 105-278.6, 105-278.7, or 105-278.8 or
21 exclusion under G.S. 105-275(3), (7), (8), (12), (17) through (19),
22 (21) or (39), G.S. 105-277.1, or G.S. 105-278 has applied for
23 exemption or exclusion and the exemption or exclusion has been
24 approved, the owner is not required to file an application in
25 subsequent years except in the following circumstances:
 - 26 a. New or additional property is acquired or improvements are
27 added or removed, necessitating a change in the valuation of
28 the property; or
 - 29 b. There is a change in the use of the property or the
30 qualifications or eligibility of the taxpayer necessitating a
31 review of the exemption or exclusion.
- 32 (4) After an owner of property entitled to exclusion under G.S. 105-
33 277.10 has applied for the exclusion and the exclusion has been
34 approved, the owner is not required to apply for the exclusion in
35 subsequent years so long as the classified property, including
36 classified property acquired after the application is approved, is
37 used or held for use directly in manufacturing or processing as part
38 of industrial machinery.
- 39 (5) Upon a showing of good cause by the applicant for failure to make
40 a timely application, an application for exemption or exclusion
41 filed after the close of the listing period may be approved by the
42 Department of Revenue, the board of equalization and review, the
43 board of county commissioners, or the governing body of a
44 municipality, as appropriate. An untimely application for

1 exemption or exclusion approved under this subdivision applies
2 only to property taxes levied by the county or municipality in the
3 calendar year in which the untimely application is filed."

4 Section 73. Effective January 1, 2001, G.S. 105-369(b1) reads as
5 rewritten:

6 "(b1) Notice to Owner. -- After the governing body orders the tax collector to
7 advertise the tax liens, the tax collector must send a notice to the listing owner and to
8 the record owner of each affected parcel of property, as determined as of December
9 31 of the fiscal year for which the taxes are due. The notice must be sent to each
10 owner's last known address by first-class mail at least 30 days before the date the
11 advertisement is to be published. The notice must state the principal amount of
12 unpaid taxes that are a lien on the parcel to be advertised and inform the owner that
13 the names of the listing owner and the record owner ~~listing owner that his or her~~
14 ~~name~~ will appear in a newspaper advertisement of delinquent taxes if the taxes are
15 not paid before the publication date. Failure to mail the notice required by this
16 section to the correct listing owner or record owner does not affect the validity of the
17 tax lien or of any foreclosure action."

18 Section 74. G.S. 105-449.37(a)(1a) reads as rewritten:

19 "(1a) Motor vehicle. -- A motor vehicle as defined in G.S. ~~105-164.3(8e);~~
20 105-164.3 other than special mobile equipment as defined in G.S.
21 ~~105-164.3(16b);~~ 105-164.3."

22 Section 75.(a) G.S. 105-330.1(b) reads as rewritten:

23 "(b) Exceptions. -- The following motor vehicles are not classified under
24 subsection (a) of this section:

- 25 (1) Motor vehicles exempt from registration pursuant to G.S. 20-51.
- 26 (2) Manufactured homes, mobile classrooms, and mobile offices.
- 27 (3) Semitrailers or trailers registered on a multiyear basis.
- 28 (4) Motor vehicles owned or leased by a public service company and
29 appraised under G.S. 105-335.
- 30 ~~(5) "U-drive-it" passenger vehicles registered under G.S. 20-87(2)."~~

31 Section 75.(b) G.S. 153A-156, as enacted by Section 2 of S.L. 2000-2,
32 reads as rewritten:

33 "**§ 153A-156. Gross receipts tax on short-term leases or rentals.**

34 (a) As a substitute for and in replacement of the ad valorem tax, which is excluded
35 by G.S. ~~105-275(41);~~ 105-275(42), a county may levy a gross receipts tax on the gross
36 receipts from the short-term lease or rental of vehicles at retail to the general public.
37 The tax rate shall not exceed one and one-half percent (1.5%) of the gross receipts
38 from such short-term leases or rentals.

39 (b) If a county enacts the substitute and replacement gross receipts tax pursuant to
40 this section, any entity required to collect the tax shall include a provision in each
41 retail short-term lease or rental agreement noting that the percentage amount enacted
42 by the county of the total lease or rental price, excluding ~~sales~~ highway use tax, is
43 being charged as a tax on gross receipts. For purposes of this section, the transaction
44 giving rise to the tax shall be deemed to have occurred at the location of the entity

1 from which the customer takes delivery of the vehicle. The tax shall be collected at
2 the time of lease or rental and placed in a segregated account until remitted to the
3 county.

4 (c) The collection and use of taxes under this section are not subject to ~~sales~~
5 highway use tax and are not included in the gross receipts of the entity. The
6 proceeds collected under this section belong to the county and are not subject to
7 creditor liens against the entity.

8 (d) A tax levied under this section shall be collected by the county but otherwise
9 administered in the same manner as the tax levied under G.S. 105-164.4(a)(2).

10 (e) The following definitions apply in this section:

11 (1) Vehicle. -- Any of the following:

12 a. A motor vehicle of the ~~private~~ passenger type, including a
13 passenger van, minivan, or sport utility vehicle.

14 b. A motor vehicle of the cargo type, including cargo van,
15 pickup truck, or truck with a gross vehicle weight of 26,000
16 pounds or less used predominantly in the transportation of
17 property for other than commercial freight and that does not
18 require the operator to possess a commercial drivers license.

19 c. A trailer or semitrailer with a gross vehicle weight of 6,000
20 pounds or less.

21 (2) Short-term lease or rental. -- Defined in G.S. 105-187.1(4).

22 (f) The penalties and remedies that apply to local sales and use taxes levied under
23 Subchapter VIII of ~~this~~ Chapter 105 of the General Statutes apply to a tax levied
24 under this section. The county board of commissioners may exercise any power the
25 Secretary of Revenue may exercise in collecting local sales and use taxes."

26 Section 75.(c) G.S. 160A-215.1, as enacted by Section 3 of S.L. 2000-2,
27 reads as rewritten:

28 "**§ 160A-215.1. Gross receipts tax on short-term leases or rentals.**

29 (a) As a substitute for and in replacement of the ad valorem tax, which is excluded
30 by G.S. ~~105-275(41)~~, 105-275(42), a city may levy a gross receipts tax on the gross
31 receipts from the short-term lease or rental of vehicles at retail to the general public.
32 The tax rate shall not exceed one and one-half percent (1.5%) of the gross receipts
33 from such short-term leases or rentals. This tax on gross receipts is in addition to the
34 privilege taxes authorized by G.S. 160A-211.

35 (b) If a city enacts the substitute and replacement gross receipts tax pursuant to
36 this section, any entity required to collect the tax shall include a provision in each
37 retail short-term lease or rental agreement noting that the percentage amount enacted
38 by the city of the total lease or rental price, excluding ~~sales~~ highway use tax, is being
39 charged as a tax on gross receipts. For purposes of this section, the transaction giving
40 rise to the tax shall be deemed to have occurred at the location of the entity from
41 which the customer takes delivery of the vehicle. The tax shall be collected at the
42 time of lease or rental and placed in a segregated account until remitted to the city.

43 (c) The collection and use of taxes under this section are not subject to ~~sales~~
44 highway use tax and are not included in the gross receipts of the entity. The

1 proceeds collected under this section belong to the city and are not subject to
2 creditor liens against the entity.

3 (d) A tax levied under this section shall be collected by the city but otherwise
4 administered in the same manner as the tax levied under G.S. 105-164.4(a)(2).

5 (e) The following definitions apply in this section:

6 (1) Vehicle. -- Any of the following:

7 a. A motor vehicle of the ~~private~~ passenger type, including a
8 passenger van, minivan, or sport utility vehicle.

9 b. A motor vehicle of the cargo type, including cargo van,
10 pickup truck, or truck with a gross vehicle weight of 26,000
11 pounds or less used predominantly in the transportation of
12 property for other than commercial freight and that does not
13 require the operator to possess a commercial drivers license.

14 c. A trailer or semitrailer with a gross vehicle weight of 6,000
15 pounds or less.

16 (2) Short-term lease or rental. -- Defined in G.S. 105-187.1.

17 (f) The penalties and remedies that apply to local sales and use taxes levied under
18 Subchapter VIII of ~~this~~ Chapter 105 of the General Statutes apply to a tax levied
19 under this section. The governing body of the city may exercise any power the
20 Secretary of Revenue may exercise in collecting local sales and use taxes."

21 Section 75.(d) This section becomes effective July 1, 2000.

22 Section 76.(a) G.S. 113B-2 reads as rewritten:

23 **"§ 113B-2. Creation of Energy Policy Council; purpose of Council.**

24 (a) There is hereby created a council to advise and make recommendations on
25 energy policy to the Governor and the General Assembly to be known as the Energy
26 Policy Council which shall be located within the Department of ~~Commerce~~
27 Administration.

28 (b) Except as otherwise provided in this Chapter, the powers, duties and functions
29 of the Energy Policy Council shall be as prescribed by the Secretary of ~~Commerce~~
30 Administration.

31 (c) The Energy Policy Council shall serve as the central energy policy planning
32 body of the State and shall communicate and cooperate with federal, State, regional
33 and local bodies and agencies to the end of effecting a coordinated energy policy."

34 Section 76.(b) G.S. 113B-6 reads as rewritten:

35 **"§ 113B-6. General duties and responsibilities.**

36 The Energy Policy Council shall have the following general duties and
37 responsibilities:

38 (1) To develop and recommend to the Governor a comprehensive
39 long- range State energy policy to achieve maximum effective
40 management and use of present and future sources of energy, such
41 policy to include but not be limited to an energy ~~conservation~~
42 plan; efficiency program, an energy management plan, an
43 emergency energy program, and an energy research and
44 development program;

- 1 (2) To conduct an ongoing assessment of the opportunities and
2 constraints presented by various uses of all forms of energy and to
3 encourage the efficient use of all such energy forms in a manner
4 consistent with State energy policy;
- 5 (3) To continually review and coordinate all State government
6 research, education and management programs relating to energy
7 matters and to continually educate and inform the general public
8 regarding such energy matters;
- 9 (4) To recommend to the Governor and to the General Assembly
10 needed energy legislation and to recommend for implementation
11 such modifications of energy policy, plans and programs as the
12 Council considers necessary and desirable."

13 Section 76.(c) G.S. 113B-7 reads as rewritten:

14 "**§ 113B-7. Energy ~~Conservation Plan~~; Efficiency Program; components.**

15 (a) The Energy Policy Council shall prepare a recommended Energy ~~Conservation~~
16 ~~Plan~~ Efficiency Program for transmittal to the Governor, the initial plan to be
17 completed by January 30, 1976.

18 (b) The Energy ~~Conservation Plan~~ Efficiency Program shall be designed to assure
19 the public health and safety of the people of North Carolina and to encourage and
20 promote conservation of energy through reducing wasteful, inefficient or
21 uneconomical uses of energy resources.

22 (c) The Energy ~~Conservation Plan~~ Efficiency Program shall include but not be
23 limited to the following recommendations:

- 24 (1) Recommendations to the Building Code Council for lighting,
25 insulation, climate control systems and other building design and
26 construction standards which increase the efficient use of energy
27 and are economically feasible to implement;
- 28 (2) Recommendations to the Building Code Council for per unit
29 energy requirement allotments based upon square footage for
30 various classes of buildings which would reduce energy
31 consumption, yet are both technically and economically feasible
32 and not injurious to public health and safety;
- 33 (3) Recommendations for minimum levels of operating efficiency for
34 all appliances whose use requires a significant amount of energy
35 based upon both technical and economic feasibility considerations;
- 36 (4) Recommendations for State government purchases of supplies,
37 vehicles and equipment and such operating practices as will make
38 possible more efficient use of energy;
- 39 (5) Recommendations on energy conservation policies, programs and
40 procedures for local units of government;
- 41 (6) Any other recommendations which the Energy Policy Council
42 considers to be a significant part of a statewide conservation effort
43 and which include provisions for sufficient incentives to further
44 energy conservation;

1 (7) An economic and environmental impact analysis of the
2 recommended ~~plan~~ program.

3 (d) In addition to specific conservation recommendations, the Energy ~~Conservation~~
4 ~~Plan~~ Efficiency Program shall contain proposals for implementation of such
5 recommendations as can be carried out by executive order. Upon completion of a
6 draft recommended ~~plan~~; program, the Council shall arrange for its distribution to
7 interested parties and shall make ~~such plan~~ the program available to the public and
8 the Council further shall set a date for public hearing on said ~~plan~~; program.

9 (e) Upon completion of the Energy ~~Conservation Plan~~; Efficiency Program, the
10 Council shall transmit said ~~plan~~; program, to be known as the State Energy
11 ~~Conservation Plan~~; Efficiency Program, to the Governor for approval or disapproval.
12 Upon approval, the Governor shall assign administrative responsibility for such
13 implementation as can be carried out by executive order to appropriate agencies of
14 State government, and submit to the General Assembly such proposals which require
15 legislative action for implementation. The Governor shall have the authority to
16 accept, administer, and enforce federal programs, program measures and permissive
17 delegations of authority delegated to the Governor by the President of the United
18 States, Congress, or the United States Department of Energy, on behalf of the State of
19 North Carolina, which pertain to the conservation of energy resources.

20 (f) The Governor shall transmit the approved Energy ~~Conservation Plan~~ Efficiency
21 Program to the President of the Senate, to the Speaker of the House of
22 Representatives, to the heads of all State agencies and shall further seek to publicize
23 such plan and make it available to all units of local government and to the public at
24 large.

25 (g) At least every two years and whenever such changes take place as would
26 significantly affect energy supply or demand in North Carolina, the Energy Policy
27 Council shall review and, if necessary, revise the Energy ~~Conservation Plan~~;
28 Efficiency Program, transmitting such revised plan to the Governor pursuant to the
29 procedures contained in subsections (e) and (f) of this section."

30 Section 76.(d) G.S. 113B-11 reads as rewritten:

31 "**§ 113B-11. Powers and authority.**

32 (a) The Energy Policy Council is authorized to secure directly from any officer,
33 office, department, commission, board, bureau, institution and other agency of the
34 State and its political subdivisions any information it deems necessary to carry out its
35 functions; and all such officers and agencies shall cooperate with the Council and, to
36 the extent permitted by law, furnish such information to the Council as it may
37 request.

38 (b) To assure the adequate development of relevant energy information, as
39 provided in G.S. 113B-10, the Council may require all energy producers and major
40 energy consumers, as determined by the Council, to file such reports and forecasts
41 and at such dates as the Council may request; provided, however, that the Council
42 may request only specific energy-related information which it deems necessary to
43 carry out its duties as defined in Articles 1 and 2 of this Chapter.

1 (c) The Council shall have authority to apply for and utilize grants, contributions
2 and appropriations in order to carry out its duties as defined in Articles 1 and 2 of
3 this Chapter, provided, however, that all such applications and requests are made
4 through and administered by the Department of ~~Commerce~~ Administration.

5 (d) The Council shall have authority to request said Department to allocate and
6 dispense any funds made available to the Council for energy research and related
7 work efforts in such a manner as the Council desires subject only to the stipulation
8 that said funds be reasonably used in furtherance of the purposes of this Article.

9 (e) The Energy Division of the Department of ~~Commerce~~ Administration shall
10 provide the staffing capability to the Energy Policy Council so as to fully and
11 effectively develop recommendations for a comprehensive State energy policy as
12 contained in the provisions of this Article. The Utilities Commission is hereby
13 authorized to make its staff available to the Council to assist in the development of a
14 State energy policy."

15 Section 76.(e) G.S. 114-4.2D reads as rewritten:

16 "**§ 114-4.2D. Employment of attorney for Energy Division of Department of**
17 ~~**Commerce**~~ **Administration**.

18 The Attorney General shall assign an attorney on his staff to work full time with
19 the Energy Division of the Department of ~~Commerce~~ Administration. Such attorney
20 shall be subject to all provisions of Chapter 126 of the General Statutes relating to
21 the State Personnel System. Such attorney shall also perform such additional duties as
22 may be assigned to him by the Attorney General."

23 Section 76.(f) G.S. 143-64.11 reads as rewritten:

24 "**§ 143-64.11. Definitions.**

25 For purposes of this Article:

26 . . .

27 (2a) "Energy Division" means the Energy Division of the Department
28 of ~~Commerce~~ Administration."

29 Section 76.(g) G.S. 143-64.12 reads as rewritten:

30 '**§ 143-64.12. Authority and duties of State agencies.**

31 (a) The General Assembly authorizes and directs that State agencies shall carry
32 out the construction and renovation of State facilities, under their jurisdiction in such
33 a manner as to further the policy declared herein, insuring that life-cycle cost
34 analyses and energy-conservation practices are considered and are employed
35 whenever feasible and practicable.

36 (b) ~~The Department of Administration, in consultation with the Energy Division,~~
37 Energy Division shall, to the extent feasible and practicable, develop and implement
38 policies, procedures, and standards to ensure that State purchasing practices improve
39 energy efficiency and take the cost of the product over the economic life of the
40 product into consideration. ~~The Department of Administration, in consultation with~~
41 ~~the Energy Division,~~ Energy Division shall adopt and implement Building Energy
42 Design Guidelines. These guidelines shall include energy-use goals and standards,
43 economic assumptions for life-cycle cost analysis, and other criteria on building
44 systems and technologies. The Department of Administration shall modify the design

1 criteria for construction and renovation of facilities to require that a life-cycle cost
2 analysis be conducted pursuant to G.S. 143-64.15. The Department of
3 Administration, as part of the Facilities Condition and Assessment Program, shall
4 identify and recommend energy conservation maintenance and operating procedures
5 that are designed to reduce energy consumption within the facility and that require
6 no significant expenditure of funds. State departments, institutions, or agencies shall
7 implement these recommendations. Where energy management equipment is
8 proposed for State facilities, the maximum interchangeability and compatibility of
9 equipment components shall be required.

10 The Energy Division shall develop a comprehensive energy management program
11 for State government. Each State agency shall develop and implement an energy
12 management plan that is consistent with the State's comprehensive energy
13 management program.

14 (c)-(g) Repealed by Session Laws 1993, c. 334, s. 4."

15 Section 76.(h) G.S. 143-341 reads as rewritten:

16 "**§ 143-341. Powers and duties of Department.**

17 The Department of Administration has the following powers and duties:

18

19 (11) Energy Division. -- To exercise those powers and perform those
20 duties prescribed in Article 1 of Chapter 113B and Part 1 of
21 Article 3B of Chapter 143 of the General Statutes and Parts 2 and
22 3 of this Article."

23 Section 76.(i) G.S. 143-334 through G.S. 143-345.9 are designated 'Part
24 1. General Provisions.' of Article 36 of Chapter 143 of the General Statutes.

25 Section 76.(j) Article 36 of Chapter 143 of the General Statutes, as
26 amended by subsection (a) of this section, is further amended by adding new parts to
27 read:

28 "Part 2. Energy Division.

29 "§ 143-345.11. Energy Division.

30 There is hereby created in the Department of Administration a division to be
31 known as the Energy Division.

32 "§ 143-345.12. Organization.

33 The Division shall be organized and shall have such powers, duties and functions
34 as prescribed by the Secretary of Administration.

35 "§ 143-345.13. Reporting of stocks of coal and petroleum fuels.

36 The Energy Division may, with the prior express approval of the Energy Policy
37 Council and the Governor, require that all coal and petroleum suppliers in North
38 Carolina supplying coal, motor gasoline, middle distillates, residual oils and propane
39 for resale within the State file with the Energy Division, on forms prepared by the
40 Energy Division, accurate reports as to the stocks of coal and petroleum products and
41 storage capacities maintained by the supplier, including the supplier's current
42 inventory and stock of coal, motor gasoline, middle distillates, residual oils and
43 propane, the expected time such supplies will last under ordinary distribution
44 demand and the schedule for receiving additional or replacement stocks. The reports

1 and the information contained therein shall be proprietary information available only
2 to regular employees of the Energy Division, except that aggregate tables or schedules
3 consolidating information from the reports may be released if they do not reveal
4 individual report data for any named supplier. It is further the intent of this section
5 that no information shall be required from coal and petroleum suppliers, that is, at
6 the time the reports are requested, already on file with any agency, commission, or
7 department of State government.

8 It is the intent of this section that the reports be filed only at such times as the
9 Energy Policy Council and the Governor determine that an energy crisis as defined in
10 G.S. 113B-20 exists or may be imminent.

11 If any petroleum or coal supplier fails to file the accurate reports as may be
12 required by this section for more than 10 days after the date on which any such
13 report is due, the Secretary of Administration is authorized and empowered to
14 petition the district court, Division of the General Court of Justice, in the county in
15 which the principal office or place of business of the supplier is located for a
16 mandatory injunction compelling the supplier to file the report.

17 "§ 143-345.14. Authority to collect data; administration and enforcement;
18 confidentiality.

19 (a) The Energy Division shall have the authority to obtain from prime suppliers of
20 petroleum products specific petroleum supply data concerning State-level sales and
21 projected sales by month for North Carolina that is currently reported on the federal
22 Form EIA-782C, "Monthly Report of Petroleum Products Sold in States for
23 Consumption" or its successor, at such time that these data requirements are not
24 being met through any federal reporting procedure. The petroleum products subject
25 to this reporting requirement are: finished gasoline (all grades), #1 distillate,
26 kerosene, #2 fuel oil, #2 diesel fuel, aviation gasoline (finished), kerosene-type jet
27 fuel, naphtha-type jet fuel, #4 fuel, residual fuel oil (less than or equal to one
28 percent sulfur), residual fuel oil (greater than one percent sulfur), propane (consumer
29 grade). The authority to collect energy data from suppliers of petroleum products
30 into North Carolina, that is granted to the Energy Division in this section, shall be
31 limited to the petroleum volume data that is reported on the Form EIA-782C or its
32 successor.

33 (b) "Prime suppliers" shall be defined as those suppliers which make the first sale
34 of the named product into North Carolina, excluding jobbers, distributors, and retail
35 dealers.

36 (c) The Energy Division shall adopt rules and regulations for the administration of
37 this data collection program and the Attorney General and the law enforcement
38 authorities of the State and its political subdivisions shall enforce the provisions of
39 this section and all orders, rules, and regulations promulgated thereunder. Any
40 enforcement action may be brought upon the relation of the Energy Division or the
41 direction of the Attorney General.

42 (d) Any person or corporation who willfully refuses to provide the petroleum
43 supply data in accordance with the conditions described herein, or who knowingly or

1 willfully submits false information in any reports required herein or refuses to file any
2 reports shall be guilty of a Class 1 misdemeanor.

3 (e) Any civil action brought to enforce the provisions of this section shall be
4 brought in the Superior Court of Wake County or in the superior court of the county
5 in which the acts or practices constituting a violation occurred or are occurring.

6 (f) The Energy Division shall keep confidential any individually identifiable
7 energy information to the extent necessary to comply with the confidentiality
8 requirements of the reporting agency, and any such information shall not be subject
9 to the public disclosure requirements of G.S. 132-6. 'Individually identifiable energy
10 information' shall be defined as any individual record or portion of a record or
11 aggregated data containing energy information about a person or persons obtained
12 from any source, the disclosure of which could reasonably be expected to reveal
13 information about a specific person.

14 "Part 3. Business Energy Improvement Program.

15 "§ 143-345.16. Short title.

16 This Part shall be known as the Business Energy Improvement Program.

17 "§ 143-345.17. Legislative findings and purpose.

18 The General Assembly finds and declares that it is in the best interest of the
19 citizens of North Carolina to promote and encourage energy efficiency within the
20 State's industrial and commercial base in order to conserve energy, promote
21 economic competitiveness, and expand employment in the State.

22 "§ 143-345.18. Lead agency; powers and duties.

23 (a) For the purposes of this Part, the Division of Energy of the Department of
24 Administration is designated as the lead State agency in matters pertaining to
25 industrial and commercial energy conservation.

26 (b) The Division shall have the following powers and duties with respect to this
27 Part:

28 (1) To provide industrial and commercial concerns doing business in
29 North Carolina with information and assistance in undertaking
30 energy conserving capital improvement projects to enhance
31 industrial and commercial capacity.

32 (2) To establish a revolving fund within the Division for the purpose
33 of providing secured loans in amounts not greater than five
34 hundred thousand dollars (\$500,000) per business entity to install
35 energy-efficient capital improvements within businesses located
36 within or translocating to North Carolina. In providing these loans,
37 priority shall be given to businesses already located in the State.

38 (3) To work with appropriate State and federal agencies to develop
39 and implement rules and regulations to facilitate this program.

40 (c) The annual interest rate charged for the use of the funds from the revolving
41 fund established pursuant to subdivision (b)(2) of this section shall be one-half of the
42 90-day rate for United States Treasury Bills, not to exceed five percent (5%) per
43 annum, excluding other fees required for loan application review and origination.

1 The term of any loan originated under this section may not be greater than seven
2 years.

3 (d) In accordance with the terms of the Stripper Well Settlement, administrative
4 expenses for activities under this section shall be limited to five percent (5%) of funds
5 appropriated for this purpose."

6 Section 76.(k) G.S. 143B-433 reads as rewritten:

7 "**§ 143B-433. Department of Commerce -- organization.**

8 The Department of Commerce shall be organized to include:

9 (1) The following agencies:

- 10 a. The North Carolina Alcoholic Beverage Control
- 11 Commission.
- 12 b. The North Carolina Utilities Commission.
- 13 c. The Employment Security Commission.
- 14 d. The North Carolina Industrial Commission.
- 15 e. State Banking Commission.
- 16 f. Savings and Loan Association Division.
- 17 g. The State Savings Institutions Commission.
- 18 h. Credit Union Commission.
- 19 i. The North Carolina Milk Commission.
- 20 j. The North Carolina Mutual Burial Association Commission.
- 21 k. North Carolina Cemetery Commission.
- 22 l. The North Carolina Rural Electrification Authority.
- 23 m. Repealed by Session Laws 1985, c. 757, s. 179(d).
- 24 n. North Carolina Science and Technology Research Center.
- 25 o. The North Carolina State Ports Authority.
- 26 p. North Carolina National Park, Parkway and Forests
- 27 Development Council.
- 28 q. Economic Development Board.
- 29 r. Labor Force Development Council.
- 30 ~~s. Energy Policy Council.~~
- 31 ~~t. Energy Division.~~
- 32 u. Navigation and Pilotage Commissions established by
- 33 Chapter 76 of the General Statutes.
- 34 v. Repealed by Session Laws 1993, c. 321, s. 313b.

35 (2) Those agencies which are transferred to the Department of
36 Commerce including the:

- 37 a. Community Assistance Division.
- 38 b. Community Development Council.
- 39 c. Employment and Training Division.
- 40 d. Job Training Coordinating Council.

41 (3) Such divisions as may be established pursuant to Article 1 of this
42 Chapter."

43 Section 76.(l) Parts 8 and 14 of Article 10 of Chapter 143B of the
44 General Statutes are repealed.

1 Section 76.(m) This section become effective September 30, 2000.

2 Section 77. G.S. 115C-47(18), as amended by Section 8.18(b) of S.L.
3 2000-67, reads as rewritten:

4 "(18) To Make Rules Concerning the Conduct and Duties of
5 Personnel. -- Local boards of education, upon the
6 recommendation of the superintendent, shall have full power to
7 make all just and needful rules and regulations governing the
8 conduct of teachers, principals, and supervisors, the kind of
9 reports they shall make, and their duties in the care of school
10 property.

11 Prior to the beginning of each school year, each local board of
12 education shall identify all reports, including local school
13 required reports, that are required at the local level for the
14 school year and shall, to the maximum extent possible, eliminate
15 any duplicate or obsolete reporting requirements. No additional
16 reports shall be required at the local level after the beginning of
17 the school year without the prior approval of the local board of
18 education.

19 Each local board of education shall appoint a person or
20 establish a paperwork control committee to monitor all reports
21 and other paperwork ~~produced by or~~ required of teachers by the
22 central office."

23 Section 78. Part 3 of Article 2 of Chapter 143B of the General Statutes is
24 repealed.

25 Section 79.(a) G.S. 143B-434.1 reads as rewritten:

26 "**§ 143B-434.1. The North Carolina Travel and Tourism Board -- creation, duties,
27 membership.**

28 (a) There is created within the Department of Commerce the North Carolina
29 Travel and Tourism Board. The Secretary of Commerce and the Director of the
30 Division of ~~Travel and Tourism~~ Tourism, Film, and Sports Development will work
31 with the Board to fulfill the duties and requirements set forth in this section, and to
32 promote the sound development of the travel and tourism industry in North Carolina.

33 (b) The function and duties of the Board shall be:

- 34 (1) To advise the Secretary of Commerce in the formulation of policy
35 and priorities for the promotion and development of travel and
36 tourism in the State.
- 37 (2) To advise the Secretary of Commerce in the development of a
38 budget for the Division of ~~Travel and Tourism~~ Tourism, Film, and
39 Sports Development.
- 40 (3) To recommend programs to the Secretary of Commerce that will
41 promote the State as a travel and tourism destination and that will
42 develop travel and tourism opportunities throughout the State.
- 43 (4) To advise the Secretary of Commerce every three months as to the
44 effectiveness of agencies with which the Department has contracted

- 1 for advertising and regarding the selection of an advertising agency
2 that will assist the Department in the promotion of the State as a
3 travel and tourism destination.
- 4 (5) To name a three-member subcommittee, with one member from
5 each of the eastern, central, and western regions of the State, to
6 make recommendations to the Secretary of Commerce regarding
7 any revisions in the matching funds tourism grants program,
8 project applications, and criteria for projects that qualify for
9 participation in the program.
- 10 (6) To advise the Secretary of Commerce from time to time as to the
11 effectiveness of the overall operations of the Division of ~~Travel and~~
12 ~~Tourism.~~ Tourism, Film, and Sports Development.
- 13 (7) To promote the exchange of ideas and information on travel and
14 tourism between State and local governmental agencies, and
15 private organizations and individuals.
- 16 (8) To advise the Secretary of Commerce upon any matter that the
17 Secretary, Governor, or Director of the Division of ~~Travel and~~
18 ~~Tourism.~~ Tourism, Film, and Sports Development may refer to it.
- 19 (c) The Board shall consist of 27 members as follows:
- 20 (1) The Secretary of Commerce, who shall not be a voting member.
- 21 (2) The Director of the Division of ~~Travel and Tourism,~~ Tourism,
22 Film, and Sports Development, who shall not be a voting member.
- 23 (3) Two members designated by the Board of Directors of the North
24 Carolina Hotel and Motel Association.
- 25 (4) Two members designated by the Board of Directors of the North
26 Carolina Restaurant Association.
- 27 (5) Three Directors of Convention and Visitor Bureaus designated by
28 the Board of Directors of the North Carolina Association of
29 Convention and Visitor Bureaus.
- 30 (6) The Chairperson of the Travel and Tourism Coalition.
- 31 (7) The President of the Travel Council of North Carolina.
- 32 (8) A member designated by the Board of Directors of the Travel
33 Council of North Carolina.
- 34 (9) The President of North Carolina Citizens for Business and
35 Industry.
- 36 (10) One member designated by the North Carolina Petroleum
37 Marketers Association.
- 38 (11) One person associated with tourism attractions in North Carolina,
39 appointed by the Speaker of the House of Representatives. One
40 person who is not a member of the General Assembly, appointed
41 by the Speaker of the House of Representatives.
- 42 (12) One person associated with the tourism-related transportation
43 industry, appointed by the President Pro Tempore of the Senate.

- 1 One person who is not a member of the General Assembly,
2 appointed by the President Pro Tempore of the Senate.
- 3 (13) Four public members each interested in matters relating to travel
4 and tourism, two appointed by the Governor (one from a rural
5 area and one from an urban area), one appointed by the Speaker
6 of the House, and one appointed by the President Pro Tempore of
7 the Senate.
- 8 (14) One member associated with the major cultural resources and
9 activities of the State in North Carolina, appointed by the
10 Governor.
- 11 (15) Two members of the House of Representatives, appointed by the
12 Speaker of the House of Representatives.
- 13 (16) Two members of the Senate, appointed by the President Pro
14 Tempore of the Senate.

15 (d) The members of the Board shall serve the following terms: the Secretary of
16 Commerce, the Director of the Division of ~~Travel and Tourism~~, Tourism, Film, and
17 Sports Development, the Chairperson of the Travel and Tourism Coalition, the
18 President of the Travel Council of North Carolina, and the President of North
19 Carolina Citizens for Business and Industry shall serve on the Board while they hold
20 their respective offices. Each member of the Board appointed by the Governor shall
21 serve during his or her term of office. The members of the Board appointed by the
22 General Assembly shall serve two-year terms beginning on January 1 of odd-
23 numbered years and ending on December 31 of the following year. The first such
24 term shall begin on January 1, 1991, or as soon thereafter as the member is appointed
25 to the Board, and end on December 31, 1992. All other members of the Board shall
26 serve a term which consists of the portion of calendar year 1991 that remains
27 following their appointment or designation and, thereafter, two-year terms which
28 shall begin on January 1 of an even-numbered year and end on December 31 of the
29 following year. The first such two-year term shall begin on January 1, 1992, and end
30 on December 31, 1994.

31 (e) No member of the Board, except a member serving by virtue of his or her
32 office, shall serve during more than five consecutive calendar years, except that a
33 member shall continue to serve until his or her successor is appointed.

34 (f) Appointments to fill vacancies in the membership of the Board that occur due
35 to resignation, dismissal, death, or disability of a member shall be for the balance of
36 the unexpired term and shall be made by the same appointing authority that made
37 the initial appointment.

38 (g) Board members who are employees of the State shall receive travel allowances
39 at the rate set forth in G.S. 138-6. Board members who are legislators shall be
40 reimbursed for travel and subsistence in accordance with G.S. 120-3.1. All other
41 Board members, except those serving pursuant to subdivisions (3) through (10) of
42 subsection (c) of this section, shall receive per diem, subsistence, and travel expenses
43 at the rate set forth in G.S. 138-5. Board members serving pursuant to subdivisions
44 (3) through (10) of subsection (c) of this section shall not receive per diem,

1 subsistence, or travel expenses. The expenses set forth in this section shall be paid by
2 the Division of ~~Travel and Tourism~~ Tourism, Film, and Sports Development of the
3 Department of Commerce.

4 (h) At its first meeting in 1991, the Board shall elect one of its voting members to
5 serve as Chairperson during calendar year 1991. At its last regularly scheduled
6 meeting in 1991, and at its last regularly scheduled meeting in each year thereafter,
7 the Board shall elect one of its voting members to serve as Chairperson for the
8 coming calendar year. No person shall serve as Chairperson during more than three
9 consecutive calendar years. The Chairperson shall continue to serve until his or her
10 successor is elected.

11 (i) A majority of the current voting membership shall constitute a quorum.

12 (j) The Secretary of Commerce shall provide clerical and other services as
13 required by the Board."

14 Section 79.(b) G.S. 143B-434.2(d) reads as rewritten:

15 "(d) The Department of Commerce, and the Division of ~~Travel and Tourism~~
16 Tourism, Film, and Sports Development within that Department, shall implement the
17 policies set forth in this section. The Division of ~~Travel and Tourism~~ Tourism, Film,
18 and Sports Development shall make an annual report to the General Assembly
19 regarding the status of the travel and tourism industry in North Carolina; the report
20 shall be submitted to the General Assembly by January 15 of each year beginning
21 January 15, 1992. The duties and responsibilities of the Department of Commerce
22 through the Division of ~~Travel and Tourism~~ Tourism, Film, and Sports Development
23 shall be to:

- 24 (1) Organize and coordinate programs designed to promote tourism
25 within the State and to the State from other states and foreign
26 countries.
- 27 (2) Measure and forecast tourist volume, receipts, and impact, both
28 social and economic.
- 29 (3) Develop a comprehensive plan to promote tourism to the State.
- 30 (4) Encourage the development of the State's tourism infrastructure,
31 facilities, services, and attractions.
- 32 (5) Cooperate with neighboring states and the federal government to
33 promote tourism to the State from other countries.
- 34 (6) Develop opportunities for professional education and training in
35 the tourism industry.
- 36 (7) Provide advice and technical assistance to local public and private
37 tourism organizations in promoting tourism to the State.
- 38 (8) Encourage cooperation between State agencies and private
39 individuals and organizations to advance the State's tourist
40 interests and seek the views of these agencies and the private sector
41 in the development of State tourism programs and policies.
- 42 (9) Give leadership to all concerned with tourism in the State.
- 43 (10) Perform other functions necessary to the orderly growth and
44 development of tourism.

- 1 (11) Develop informational materials for visitors which, among other
- 2 things, shall:
- 3 a. Describe the State's travel and tourism resources and the
- 4 State's history, economy, political institutions, cultural
- 5 resources, outdoor recreational facilities, and principal
- 6 festivals.
- 7 b. Urge visitors to protect endangered species, natural
- 8 resources, archaeological artifacts, and cultural treasures.
- 9 c. Instill the ethic of stewardship of the State's natural
- 10 resources.
- 11 (12) Foster an understanding among State residents and civil servants of
- 12 the economic importance of hospitality and tourism to the State.
- 13 (13) Work with local businesses, including banks and hotels, with
- 14 educational institutions, and with the United States Travel and
- 15 Tourism Administration, to provide special services for
- 16 international visitors, such as currency exchange facilities.
- 17 (14) Encourage the reduction of architectural and other barriers which
- 18 impede travel by physically handicapped persons."

19 Section 79.(c) The Revisor of Statutes shall change the term "Division of
 20 Travel and Tourism" to "Division of Tourism, Film, and Sports Development"
 21 wherever it appears in the General Statutes.

22 Section 80. G.S. 159-13(b)(6) reads as rewritten:

23 "(6) The estimated percentage of collection of property taxes shall not
 24 be greater than the percentage of the levy actually realized in cash
 25 as of June 30 during the preceding fiscal year. For purposes of the
 26 calculation under this subdivision only, the levy for the registered
 27 motor vehicle tax under Article ~~22C~~ 22A of Chapter 105 of the
 28 General Statutes shall be based on the nine-month period ending
 29 March 31 of the preceding fiscal year, and the collections realized
 30 in cash with respect to this levy shall be based on the ~~twelve~~
 31 ~~month~~ 12-month period ending June 30 of the preceding fiscal
 32 year."

33 Section 81. G.S. 163-132.1(d) reads as rewritten:

34 "(d) Freezing of Precincts. --

35 (1) Notwithstanding the provisions of G.S. 163-132.3, after the
 36 Executive Secretary-Director approves the precincts in accordance
 37 with subsection (c) of this section and before January 2, 2002, no
 38 county board of elections may establish, alter, discontinue, or
 39 create any precinct except by division of one precinct into two or
 40 more precincts using lines that the Census Bureau has indicated it
 41 will use as 2000 Census block boundaries for that division.
 42 Provided that, whenever an annexation ordinance adopted under
 43 Parts 1, 2, or 3 of Article 4A of Chapter 160A of the General
 44 Statutes, or a local act of the General Assembly annexing property

1 to a municipality, becomes effective during the period beginning
2 with the date of the annexation as reported through the U.S.
3 Census Bureau's 1998 Boundary and Annexation Survey or a
4 subsequent edition of that survey and ending January 2, 2002, and
5 any part of the boundary of the area being annexed which is
6 actually contiguous to the city is also a precinct boundary for
7 elections administered by the county board of elections then the
8 county board of elections may exercise one of the following
9 options:

- 10 (1) a. Direct by resolution that the annexed area is automatically
11 moved into the 'city precinct', provided that if the annexed
12 area is adjacent to more than one city precinct, the board of
13 elections shall place the area in any one or more of the
14 adjacent city precincts.
- 15 (2) b. Adopt a resolution moving the precinct boundary to a
16 ~~visible feature~~ line that the Census Bureau has indicated it
17 will use as a 2000 block boundary.
- 18 (2) The Executive Secretary-Director of the State Board of Elections
19 may permit during the freeze a correction to a county's precincts
20 as they were approved pursuant to subsection (c) of this section
21 where one of the following sets of conditions is present:
- 22 a. A precinct was designated pursuant to subsection (c)
23 inaccurately, and the United States Bureau of the Census
24 agrees to include the corrected precinct on its database for
25 the 2000 Census.
- 26 b. The boundary of a precinct designated pursuant to
27 subsection (c) of this section was subsequently removed by
28 the United States Bureau of the Census as an acceptable
29 feature for a precinct line based upon a determination by
30 the Bureau that the feature did not exist as shown, and the
31 county board of elections agrees by resolution to an
32 alternative boundary for the precinct on a feature the
33 Bureau does find acceptable.
- 34 (3) The county board of elections shall submit any proposed change
35 made during the freeze under this subsection to the Legislative
36 Services Office, which shall review the proposal and write a letter
37 advising the Executive Secretary-Director of its opinion as to the
38 legal compliance of the proposal. If the proposal complies with the
39 law, the Executive Secretary-Director shall approve the proposal.
40 No newly created or altered precinct boundary is effective until
41 approved by the Executive Secretary-Director as being in
42 compliance with the provisions of this subsection."

43 Section 82. G.S. 163-278.5 reads as rewritten:

44 "§ 163-278.5. Scope of Article; severability.

1 The provisions of this Article apply to primaries and elections for North Carolina
2 offices and to North Carolina referenda and do not apply to primaries and elections
3 for federal offices or offices in other ~~States~~. States or to non-North Carolina
4 referenda. Any provision in this Article that regulates a non-North Carolina entity
5 does so only to the extent that the entity's actions affect elections for North Carolina
6 ~~offices~~. offices or North Carolina referenda.

7 The provisions of this Article are severable. If any provision is held invalid by a
8 court of competent jurisdiction, the invalidity does not affect other provisions of the
9 Article that can be given effect without the invalid provision."

10 Section 83. G.S. 163-278.39A(a) reads as rewritten:

11 "(a) Expanded Disclosure Requirements. -- ~~In addition to the basic disclosure~~
12 ~~requirements in G.S. 163-278.39, any~~ Any political campaign advertisement on radio
13 or television shall comply with the expanded disclosure requirements set forth in this
14 section. To the extent that it provides the same information required by G.S. 163-
15 278.39, a statement made pursuant to this section satisfies the requirements of G.S.
16 163-278.39 for the same advertisement."

17 Section 84. G.S. 163-278.39A(i) reads as rewritten:

18 "(i) No Criminal Liability. -- Nothing in this section regarding the disclosure
19 requirements in subsections (b) and (c) of this section shall be relied upon or
20 otherwise interpreted to create criminal ~~liability for any person~~. liability."

21 Section 85. Section 14 of S.L. 1998-22 reads as rewritten:

22 "Section 14. (a) Notwithstanding G.S. 105-187.44(b), as enacted by this act, the
23 amount distributed to a city under G.S. 105-187.44(b) for taxes collected for each of
24 the quarters in the ~~fiscal year~~ 1999-2000 and 2000-2001 fiscal years may not exceed its
25 benchmark amount until each city receives an amount equal to its benchmark
26 amount. Each quarter, the Secretary of Revenue shall determine a city's benchmark
27 amount and the amount it would receive under G.S. 105-187.44(b) if not for the
28 redistribution required by this section. The Secretary shall identify those cities whose
29 distribution amounts under G.S. 105-187.44(b) are less than their benchmark amounts
30 and shall determine the total dollar amount of the shortfall. The Secretary shall
31 reduce the amount to be distributed to those cities whose distribution amount under
32 G.S. 105-187.44(b) exceeds their benchmark amount by the total dollar amount of the
33 shortfall determined for that quarter in proportion to each city's excess. However, in
34 no event may a city's distribution amount be reduced below its benchmark amount.
35 The Secretary will redistribute these monies to the cities whose distribution amounts
36 under G.S. 105-187.44(b) are less than their benchmark amounts in proportion to
37 each city's shortfall. In any quarter that a city does not have a prior year's
38 distribution for the corresponding quarter in fiscal year 1998-99, that city is excluded
39 from the redistribution required under this section for that quarter. In that case, the
40 city will receive the amount it is entitled to receive under G.S. 105-187.44(b), as
41 enacted by this act.

42 For the purposes of this subsection, the term 'benchmark amount' means the
43 amount a city received under G.S. 105-116.1 attributable to piped natural gas for the
44 corresponding quarter during the fiscal year 1998-99.

1 (b) The Department of Revenue must calculate the amount a city received for
2 taxes collected for each of the ~~first three~~ quarters in fiscal year 1998-99 under G.S.
3 105-116.1 that was attributable to piped natural gas. The Department must also
4 calculate the amount each city would have received under G.S. 105-187.44(b), as
5 enacted by this act, for taxes collected for each of the ~~first three~~ quarters in fiscal year
6 1999-2000. The Department shall give this information to the Revenue Laws Study
7 Committee. The Revenue Laws Study Committee shall study the impact of this act
8 on the distribution of part of the proceeds of the excise tax on piped natural gas to
9 the cities and report its findings, and any recommendation, to the ~~2000 Session of the~~
10 1999 2001 General Assembly."

11 Section 86. Subsection 17.12(c) of S.L. 1999-237 reads as rewritten:

12 "Section 17.12.(c) The Governor shall appoint a superior court judge for the
13 additional judgeship in Superior Court District 22 as authorized by subsection (b) of
14 this section. The successor to that judge shall be elected in the 2000 general election
15 to serve the ~~remainder of the unexpired~~ term expiring December 31, ~~2002, in order~~
16 ~~to provide for unstagged terms for multiple judgeships in the same district.~~ 2008."

17 Section 87. Section 3 of S.L. 1999-321 is repealed.

18 Section 88. Section 33 of S.L. 1999-360 reads as rewritten:

19 "Section 33. Affordable Housing Credit. -- Part III of this act is effective for taxable
20 years beginning on or after January 1, ~~2000, and applies~~ 2000. Sections 10 through 15
21 of Part III apply to buildings to which federal credits are allocated on or after January
22 1, 2000."

23 Section 89. Section 1 of S.L. 2000-64 reads as rewritten:

24 "Section 1. ~~S.L. 1993-205, Chapter 205 of the 1993 Session Laws,~~ as amended by
25 S.L. 1999-285, is repealed."

26 Section 90.(a) Section 21 of S.L. 2000-67 reads as rewritten:

27 "Requested by: Representatives Jeffus, Wainwright, Easterling, Redwine, Edwards,
28 Senators Warren, Lucas, Rand, Albertson, Robinson, Plyler, Perdue, Odom, Kerr
29 **NATIONAL WORLD WAR II MEMORIAL FUNDS**

30 Section 21. Of the funds appropriated in this act to the Department of
31 Administration for the 2000-2001 fiscal year, the sum of three hundred ninety-two
32 thousand dollars (\$392,000) shall be used by the Division of Veterans Affairs to fund
33 the voluntary contribution of the State toward the construction of the National World
34 War II Memorial in Washington, D.C."

35 Section 90.(b) Section 26.12A(a)(2) of S.L. 2000-67 reads as rewritten:

36 "(2) Who was, on or before April 1, 2000, a permanent officer or
37 permanent employee and who was in service on October 1, 2000,
38 shall receive, payable for the last pay date in October 2000, a
39 compensation bonus of five hundred dollars (\$500.00) except that:

40 a. The compensation bonus for persons subject to Section
41 26.10 of this act shall be an average of five hundred dollars
42 (\$500.00) and shall be allocated in accordance with
43 guidelines adopted by the State Board of Community

1 ~~Colleges, except for teaching faculty at the community~~
2 ~~colleges.~~ Colleges.

3 b. The compensation bonus for persons subject to Section
4 26.11 of this act shall be an average of five hundred dollars
5 (\$500.00) and shall be allocated to individuals according to
6 the rules adopted by the Board of Governors, or the Board
7 of Trustees of the North Carolina School of Science and
8 ~~Mathematics, except for teaching faculty of the UNC System~~
9 ~~as appropriate.~~ Mathematics.

10 c. The guidelines and rules adopted under sub-subdivisions a.
11 and b. of this subdivision may cover employees of those
12 institutions whose first day of employment for the 2000-2001
13 academic year came after January 1, 2000."

14 Section 90.(c) Section 11.6.(b) of S.L. 2000-67 reads as rewritten:

15 "Section 11.6.(b) Section 11.22(g) of S.L. 1999-237 is repealed."

16 Section 90.(d) The introductory language of Section 11.8.(a) of S.L.
17 2000-67 reads as rewritten:

18 "Section 11.8.(a) ~~G.S. 108A-70.18(8)~~ G.S. 108A-70.18 reads as rewritten:"

19 Section 90.(d) The introductory language of Section 11.33(b) of S.L.
20 2000-67 reads as rewritten:

21 "Section 11.33.(b) Subsection (m) of Section ~~4532~~ 15.32 of S.L. 1997-443, as
22 amended by subsection (c) of Section 11.58 of S.L. 1999-237, reads as rewritten:"

23 Section 90.(e) Section 15.11(a) of S.L. 1997-443, as amended by Section
24 15.3 of S.L. 1999-237 and Section 13.5 of S.L. 2000-67, reads as rewritten:

25 "(a) The funds placed in a reserve account in the Department of ~~Health and~~
26 ~~Human Services~~ Environment, Health, and Natural Resources pursuant to Section
27 26.3(c) of Chapter 507 of the 1995 Session Laws shall not revert until June 30, 2001.
28 Those funds are reallocated as follows:

29 (1) Five hundred four thousand five hundred sixty dollars (\$504,560)
30 to the Stokes County Water and Sewer Authority, Inc., for the
31 Germanton Water Project.

32 (2) Nine hundred thirty thousand six hundred eighty dollars
33 (\$930,680) to the Stokes County Water and Sewer Authority, Inc.,
34 for the Walnut Cove/Industrial Site Connection Project.

35 (3) Eighty thousand dollars (\$80,000) to the Stokes County Water and
36 Sewer Authority, Inc., for the Dan River Project.

37 (4) Thirty thousand dollars (\$30,000) to the Department of
38 Environment, Health, and Natural Resources for the Limestone
39 Creek small watershed project in Duplin County.

40 (5) Three hundred forty thousand six hundred forty dollars (\$340,640)
41 to the Department of Environment, Health, and Natural Resources
42 for the Deep Creek small watershed project in Yadkin County."

43 Section 91. If House Bill 813, 1999 General Assembly, becomes law, the
44 introductory language of Section 1 of the bill reads as rewritten:

1 "Section 1. ~~Article 35~~ Article 26 of Chapter 14 is amended by adding a new
2 section to read:".

3 Section 92. If House Bill 979 becomes law, G.S. 30-3.2(d)(5) as enacted
4 by House Bill 979 reads as rewritten:

5 "(5) The value of any property which would be included in the taxable
6 estate of the decedent pursuant to sections 2033, 2035, 2036, 2037,
7 2038, 2039, ~~2040, or 2042~~ or 2040 of the Code."

8 Section 92.A.(a) If House Bill 1560, 1999 General Assembly, becomes
9 law, the introductory language of subsection (c) of Section 5 of that bill reads as
10 rewritten:

11 "Section 5.(c) G.S. 105-129.4(a) through (b1), as amended by Section ~~41~~ 8 of this
12 act, read as rewritten:".

13 Section 92.A.(b) If House Bill 1560, 1999 General Assembly, becomes
14 law, subsection (g) of Section 10 of that bill reads as rewritten:

15 "Section 10.(g) Modify Credit and Expiration Provisions. -- Section ~~41~~ 8 of this act
16 is effective for taxable years beginning on or after January 1, 2000."

17 Section 92.A.(c) If House Bill 1560, 1999 General Assembly, becomes
18 law, subsection (h) of Section 10 of that bill reads as rewritten:

19 "Section 10.(h) Technical Correction. -- Section ~~42~~ 9 of this act becomes effective
20 May 1, 1999, and applies to taxes paid on or after that date. Section 12 is repealed
21 for taxes paid on or after January 1, 2008."

22 Section 92.1(a). If House Bill 1218 becomes law, Section 2.1 of House
23 Bill 1218 is rewritten to read:

24 "Section 2.1. Section 3 of S.L. 1997-337, as amended by Section 55.2B of S.L.
25 1997-456, reads as rewritten:

26 "Section 3. This act is effective when it becomes law, expires ~~1 July 2000~~, upon
27 the adoption by the Coastal Resources Commission of a temporary rule to establish
28 use standards for waterfront development in urban areas, and applies to permits
29 granted and applications submitted prior to ~~1 July 2000~~. the adoption of that rule.
30 Any permits granted or applications issued prior to ~~July 1, 2000~~ the adoption of the
31 rule shall be transferable."

32 Section 92.1(b). If House Bill 1218 becomes law, Section 2.2 of House
33 Bill 1218 reads as rewritten:

34 "Section 2.2. ~~The Notwithstanding G.S. 150B-21.3(a) and 26 NCAC 2C.0102(11),~~
35 the Coastal Resources Commission shall shall, no later than it next regularly
36 scheduled meeting, adopt a temporary rule ~~providing for and governing urban to~~
37 establish use standards for waterfront redevelopment in historically development in
38 urban areas. The temporary rule shall provide for an exception to the current
39 regulatory requirement of a 30-foot setback along public trust and estuarine waters
40 for municipalities, subject to Article 7 of Chapter 113A of the General Statutes. The
41 temporary rule shall become effective ~~1 April 2001~~ upon its adoption by the
42 Commission and shall remain in effect until a permanent rule that replaces the
43 temporary rule becomes effective.'

44 Section 92.2.(a) G.S. 90-89(4) reads as rewritten:

1 "(4) Any material compound, mixture, or preparation which contains
2 any quantity of the following substances having a depressant effect
3 on the central nervous system, including its salts, isomers, and salts
4 of isomers whenever the existence of such salts, isomers, and salts
5 of isomers is possible within the specific chemical designation,
6 unless specifically excepted or unless listed in another schedule:

7 a. Mecloqualone.

8 b. Methaqualone.

9 c. Gamma hydroxybutyric acid; Some other names: GHB,
10 gamma-hydroxybutyrate, 4-hydroxybutyrate,
11 4-hydroxybutanoic acid; sodium oxybate; sodium
12 oxybutyrate.'

13 Section 92.2.(b) G.S. 90-91 is amended by adding a new subsection to
14 read:

15 "(m) Any drug product containing gamma hydroxybutyric acid, including its salts,
16 isomers, and salts of isomers, for which an application is approved under section 505
17 of the Federal Food, Drug, and Cosmetic Act."

18 Section 92.2.(c) G.S. 90-92(a) reads as rewritten:

19 "(a) This schedule includes the controlled substances listed or to be listed by
20 whatever official name, common or usual name, chemical name, or trade name
21 designated. In determining that a substance comes within this schedule, the
22 Commission shall find: a low potential for abuse relative to the substances listed in
23 Schedule III of this Article; currently accepted medical use in the United States; and
24 limited physical or psychological dependence relative to the substances listed in
25 Schedule III of this Article. The following controlled substances are included in this
26 schedule:

27 (1) Depressants. -- Unless specifically excepted or unless listed in
28 another schedule, any material, compound, mixture, or preparation
29 which contains any quantity of the following substances, including
30 its salts, isomers, and salts of isomers whenever the existence of
31 such salts, isomers, and salts of isomers is possible within the
32 specific chemical designation:

33 a. Alprazolam.

34 b. Barbital.

35 c. Bromazepam.

36 d. Camazepam.

37 e. Chloral betaine.

38 f. Chloral hydrate.

39 g. Chlordiazepoxide.

40 h. Clobazam.

41 i. Clonazepam.

42 j. Clorazepate.

43 k. Clotiazepam.

44 l. Cloxazolam.

- 1 m. Delorazepam.
- 2 n. Diazepam.
- 3 o. Estazolam.
- 4 p. Ethchlorvynol.
- 5 q. Ethinamate.
- 6 r. Ethyl loflazepate.
- 7 s. Fludiazepam.
- 8 t. Flunitrazepam.
- 9 u. Flurazepam.
- 10 ~~v. Gamma-Hydroxybutyric Acid.~~
- 11 w. Halazepam.
- 12 x. Haloxazolam.
- 13 y. Ketazolam.
- 14 z. Loprazolam.
- 15 aa. Lorazepam.
- 16 bb. Lormetazepam.
- 17 cc. Mebutamate.
- 18 dd. Medazepam.
- 19 ee. Meprobamate.
- 20 ff. Methohexital.
- 21 gg. Methylphenobarbital (mephobarbital).
- 22 hh. Midazolam.
- 23 ii. Nimetazepam.
- 24 jj. Nitrazepam.
- 25 kk. Nordiazepam.
- 26 ll. Oxazepam.
- 27 mm. Oxazolam.
- 28 nn. Paraldehyde.
- 29 oo. Petrichloral.
- 30 pp. Phenobarbital.
- 31 qq. Pinazepam.
- 32 rr. Prazepam.
- 33 ss. Quazepam.
- 34 tt. Temazepam.
- 35 uu. Tetrazepam.
- 36 vv. Triazolam.
- 37 ww. Zolpidem.
- 38 (2) Any material, compound, mixture, or preparation which contains
- 39 any of the following substances, including its salts, or isomers and
- 40 salts of such isomers, whenever the existence of such salts, isomers,
- 41 and salts of isomers is possible:
- 42 a. Fenfluramine.
- 43 b. Pentazocine.

1 (3) Stimulants. -- Unless specifically excepted or unless listed in
2 another schedule, any material, compound, mixture, or preparation
3 which contains any quantity of the following substances having a
4 stimulant effect on the central nervous system, including its salts,
5 isomers (whether optical, position, or geometric), and salts of such
6 isomers whenever the existence of such salts, isomers, and salts of
7 isomers is possible within the specific chemical designation:

- 8 a. Diethylpropion.
9 b. Mazindol.
10 c. Pemoline (including organometallic complexes and chelates
11 thereof).
12 d. Phentermine.
13 e. Cathine.
14 f. Fencamfamin.
15 g. Fenproporex.
16 h. Mefenorex.
17 i. Sibutramine.

18 (4) Other Substances. -- Unless specifically excepted or unless listed in
19 another schedule, any material, compound, mixture or preparation
20 which contains any quantity of the following substances, including
21 its salts:

- 22 a. Dextropropoxyphene (Alpha-(plus)-4-dimethylamino-1,
23 2-diphenyl-3-methyl-2-propionoxybutane).
24 b. Pipradrol.
25 c. SPA ((-)-1-dimethylamino-1, 2-diphenylethane).
26 d. Butorphanol.

27 (5) Narcotic Drugs. -- Unless specifically excepted or unless listed in
28 another schedule, any material, compound, mixture, or preparation
29 containing limited quantities of any of the following narcotic drugs,
30 or any salts thereof:

- 31 a. Not more than 1 milligram of difenoxin and not less than 25
32 micrograms of atropine sulfate per dosage unit.
33 b. Buprenorphine.'

34 Section 92.2.(d) G.S. 90-95(d2) reads as rewritten:

35 "(d2) The immediate precursor chemicals to which subsection (d1) of this section
36 applies are those immediate precursor chemicals designated by the Commission
37 pursuant to its authority under G.S. 90-88, and the following (until otherwise
38 specified by the Commission):

- 39 (1) Anhydrous ammonia.
40 (1a) Anthranilic acid.
41 (2) Benzyl cyanide.
42 (3) Chloroephedrine.
43 (4) Chloropseudoephedrine.
44 (5) D-lysergic acid.

- 1 (6) Ephedrine.
- 2 (7) Ergonovine maleate.
- 3 (8) Ergotamine tartrate.
- 4 (9) Ethyl Malonate.
- 5 (10) Ethylamine.
- 6 (10a) Iodine.
- 7 (11) Isosafrole.
- 8 (11a) Lithium.
- 9 (12) Malonic acid.
- 10 (13) Methylamine.
- 11 (14) N-acetylanthranilic acid.
- 12 (15) N-ethylephedrine.
- 13 (16) N-ethylepseudoephedrine.
- 14 (17) N-methylephedrine.
- 15 (18) N-methylpseudoephedrine.
- 16 (19) Norpseudoephedrine.
- 17 (20) Phenyl-2-propane.
- 18 (21) Phenylacetic acid.
- 19 (22) Phenylpropanolamine.
- 20 (23) Piperidine.
- 21 (24) Piperonal.
- 22 (25) Propionic anhydride.
- 23 (26) Pseudoephedrine.
- 24 (27) Pyrrolidine.
- 25 (27a) Red phosphorous.
- 26 (28) Safrole.
- 27 (28a) Sodium.
- 28 (29) Thionylchloride.
- 29 (30) Gamma-butyrolactone.

30 Section 92.2.(e)5. This section act becomes effective 1 December 2000
31 and applies to offenses committed on or after that date. Prosecutions for offenses
32 occurring before the effective date of this act are not abated or affected by this act,
33 and the statutes that would be applicable for this act remain applicable to those
34 prosecutions.

35 Section 93. G.S. 90-624 is amended by adding a new subsection to read:

36 "(8) A person employed by one contracting with a not-for-profit
37 community service organization giving massage and body work
38 therapy only to persons of the same gender as the person who is
39 giving the massage and bodywork therapy and who are members of
40 that not-for-profit community service organization."

41 Section 93.(a) Effective July 1, 2000, the phrase 'Office of State Budget
42 and Management' is deleted and replaced by the phrase 'Office of State Budget,
43 Planning, and Management' wherever it occurs in each of the following General
44 Statutes:

- 1 7A-113. Bookkeeping and accounting systems equipment.
2 18B-1009. In-stand sales.
3 20-7. Issuance and renewal of drivers licenses.
4 58-6-25. Insurance regulatory charge.
5 58-85A-1. Creation of Fund; allocation to local fire districts and political
6 subdivisions of the State.
7 96-4. Administration.
8 96-35. Reports on common follow-up system activities.
9 97-80. Rules and regulations; subpoena of witnesses; examination of
10 books and records; depositions; costs.
11 105-130.5. Adjustments to federal taxable income in determining State net
12 income.
13 105-134.6. Adjustments to taxable income.
14 105-262. Rules.
15 108A-27.8. Standard Program Counties -- Duties of Department.
16 115C-457.1. Creation of Fund; administration.
17 115C-457.2. Remittance of moneys to the Fund.
18 115C-457.3. Transfer of funds to the State School Technology Fund.
19 115C-546.1. Creation of Fund; administration.
20 115D-31. State financial support of institutions.
21 116-220. Establishment and administration of self-insurance trust funds;
22 rules and regulations; defense of actions against covered persons;
23 application of § 143-300.6.
24 120-30.45. Fiscal note on legislation.
25 120-30.49. Compiling federal mandates; annual report.
26 120-36.8. Certification of legislation required by federal law.
27 120-131.1. Requests from legislative employees for assistance in the
28 preparation of fiscal notes.
29 120-166. Additional criteria; nearness to another municipality.
30 122A-16. Oversight by committees of General Assembly; annual reports.
31 122C-112. Powers and duties of the Secretary.
32 122C-185. Application of funds belonging to State facilities.
33 131D-4.2. Adult care homes; family care homes; annual cost reports;
34 exemptions; enforcement.
35 131E-13. Lease or sale of hospital facilities to or from for-profit or
36 nonprofit corporations or other business entities by municipalities
37 and hospital authorities.
38 135-39.3. Oversight team.
39 138-6. Travel allowances of State officers and employees.
40 138-8. Moving expenses of State employees.
41 143-1. Scope and definitions.
42 143-2. Purposes.
43 143-4. (For applicability see note) Advisory Budget Commission.
44 143-6. Information from departments and agencies asking State aid.

- 1 143-6.1. Report on use of State funds by non-State entities.
- 2 143-10.1A. Same -- Continuation and expansion costs.
- 3 143-10.2. Limit on number of State employees.
- 4 143-10.3. Strategic planning process.
- 5 143-10.4. Departmental operations plans.
- 6 143-10.5. Development of performance measures for major programs.
- 7 143-10.7. Review of department forms and reports.
- 8 143-12.1. Vending facilities.
- 9 143-15.4. General Fund operating budget size limited.
- 10 143-19. Help for Director.
- 11 143-20.1. Annual financial statements.
- 12 143-27. Appropriations to educational, charitable and correctional
- 13 institutions are in addition to receipts by them.
- 14 143-28.1. Highway Fund appropriation.
- 15 143-31.1. Study and review of plans and specifications for building,
- 16 improvement, etc., projects.
- 17 143-34.2. Information as to requests for nonstate funds for projects
- 18 imposing obligation on State; statement of participation in
- 19 contracts, etc., for nonstate funds; limiting clause required in
- 20 certain contracts or grants.
- 21 143-34.41. Legislative intent; purpose.
- 22 143-34.43. Capital improvement needs criteria.
- 23 143-34.44. Agency capital improvement needs estimates.
- 24 143-138. North Carolina State Building Code.
- 25 143-215.94P. Groundwater Protection Loan Fund.
- 26 143-345.24. Incentive Bonus Review Committee.
- 27 143B-133.1. Powers of Commission.
- 28 143B-336.1. Special Zoo Fund.
- 29 143B-426.39. Powers and duties of the State Controller.
- 30 143B-472.41. Information Resource Management Commission.
- 31 143B-472.64. Financial reporting and accountability for information technology
- 32 investments and expenditures.
- 33 146-30. Application of net proceeds.
- 34 147-86.22. Statewide accounts receivable program.
- 35 150B-21. Agency must designate rule-making coordinator; duties of
- 36 coordinator.
- 37 150B-21.4. Fiscal notes on rules.
- 38 150B-21.9. Standards and timetable for review by Commission.
- 39 150B-21.28. Role of the Office of State Budget and Management.
- 40 153A-230.1. Definitions.
- 41 153A-230.2. Creation of Satellite Jail/Work Release Unit Fund.
- 42 153A-230.5. Satellite jails/work release units built with non-State funds.
- 43 159I-25. Disbursement.
- 44 159I-28. Rules.

- 1 159I-29. Annual reports to Joint Legislative Commission on Governmental
2 Operations.
- 3 160A-486. Estimates of population.
- 4 Section 93.(b) Effective July 1, 2000, the phrase 'Office of State
5 Planning' is deleted and replaced by the phrase 'Office of State Budget, Planning,
6 and Management' wherever it occurs in each of the following General Statutes:
- 7 7A-101. Compensation.
8 47-30. Plats and subdivisions; mapping requirements.
9 62A-25. Use of funds.
- 10 Section 93.(c) Effective July 1, 2000, the phrase 'State Budget Office' is
11 deleted and replaced by the phrase 'Office of State Budget, Planning, and
12 Management' wherever it occurs in each of the following General Statutes:
- 13 143B-472.41. Information Resource Management Commission.
14 163-132.5. Cooperation of State and local agencies.
- 15 Section 93.(d) G.S. 96-31 reads as rewritten:
- 16 **"§ 96-31. Definitions.**
17 As used in this Article, unless the context clearly requires otherwise, the term:
- 18 (1) "CFS" means the common follow-up information management
19 system developed by the Employment Security Commission of
20 North Carolina as authorized under this Article.
21 (2) "ESC" means the Employment Security Commission of North
22 Carolina.
23 ~~(3) "OSBM" means the Office of State Budget and Management.~~
24 (4) "State job training, education, and placement program" or "State-
25 funded program" means a program operated by a State or local
26 government agency or entity and supported in whole or in part by
27 State or federal funds, that provides job training and education or
28 job placement services to program participants. The term does not
29 include on-the-job training provided to current employees of the
30 agency or entity for the purposes of professional development.'
- 31 Section 93.(e) G.S. 96-32 reads as rewritten:
- 32 **"§ 96-32. Common follow-up information management system created.**
33 (a) The Employment Security Commission of North Carolina shall develop,
34 implement, and maintain a common follow-up information management system for
35 tracking the employment status of current and former participants in State job
36 training, education, and placement programs. The system shall provide for the
37 automated collection, organization, dissemination, and analysis of data obtained from
38 State-funded programs that provide job training and education and job placement
39 services to program participants. In developing the system, the ESC shall ensure that
40 data and information collected from State agencies is confidential, not open for
41 general public inspection, and maintained and disseminated in a manner that protects
42 the identity of individual persons from general public disclosure.
43 (b) The ESC in consultation with ~~OSBM~~ the Office of State Budget, Planning,
44 and Management shall adopt procedures and guidelines for the development and
45 implementation of the CFS authorized under this section.
46 (c) Based on data collected under the CFS, the ~~Office of State Budget and~~
47 Management Office of State Budget, Planning, and Management shall evaluate the
48 effectiveness of job training, education, and placement programs to determine if
49 specific program goals and objectives are attained, to determine placement and
50 completion rates for each program, and to make recommendations regarding the

1 continuation of State funding for programs evaluated. The ESC shall provide to
2 ~~OSBM the Office of State Budget, Planning, and Management~~ data collected under
3 the CFS in a manner and with the frequency necessary for the ~~Office of State Budget~~
4 ~~and Management Office of State Budget, Planning, and Management~~ to conduct the
5 evaluation required under this subsection. The ESC shall consult with ~~OSBM the~~
6 ~~Office of State Budget, Planning, and Management~~ to determine the most efficient
7 and effective method for providing to ~~OSBM the Office of State Budget, Planning,~~
8 ~~and Management~~ data collected under the CFS. The ~~OSBM Office of State Budget,~~
9 ~~Planning, and Management~~ shall maintain the same levels of confidentiality with
10 respect to CFS data received from the ESC as is required of the ESC under this
11 Article. ~~OSBM shall coordinate with the Office of State Planning to determine what~~
12 ~~data will be collected to support the State planning and budgetary process."~~

13 Section 93.(f) G.S. 143-3.5(a) reads as rewritten:

14 "(a) It shall be the duty of the Director, through the ~~Office of State Budget and~~
15 ~~Management and the Office of State Planning~~ Office of State Budget, Planning, and
16 Management to coordinate the efforts of governmental agencies in the collection,
17 development, dissemination and analysis of official economic, demographic and social
18 statistics pertinent to State budgeting. The Director shall:

- 19 (1) Prepare and release the official demographic and economic
20 estimates and projections for the State;
- 21 (2) Conduct special economic and demographic analyses and studies
22 to support statewide budgeting;
- 23 (3) Develop and coordinate cooperative arrangements with federal,
24 State and local governmental agencies to facilitate the exchange of
25 data to support State budgeting;
- 26 (4) Compile, maintain, and disseminate information about State
27 programs which involve the distribution of State aid funds to local
28 governments including those variables used in their allocation;
- 29 (5) Develop and maintain in cooperation with other State and local
30 governmental agencies, an information system providing
31 comparative data on resources and expenditures of local
32 governments; and
- 33 (6) Report major trends that influence revenues and expenditures in
34 the State budget in the current fiscal year and that may influence
35 revenues and expenditures over the next five fiscal years.

36 Every fiscal analysis prepared by the Director or the ~~Office of State Budget and~~
37 ~~Management Office of State Budget, Planning, and Management~~ addressing the State
38 budget outlook shall encompass the upcoming five-year period. Every fiscal analysis
39 prepared by the Director or the ~~Office of State Budget and Management Office of~~
40 ~~State Budget, Planning, and Management~~ addressing the impact of proposed
41 legislation on the State budget shall estimate the impact for the first five fiscal years
42 the legislation would be in effect. To minimize duplication of effort in collecting or
43 developing new statistical series pertinent to State planning and budgeting, including
44 contractual arrangements, State agencies must submit to the Director proposed
45 procedures and funding requirements."

46 Section 93.(g) G.S. 143B-372.3(b) reads as rewritten:

47 "(b) The ~~Office of State Budget and Management and the Office of State Planning~~
48 ~~Office of State Budget, Planning, and Management~~ shall also provide support,
49 information, reports, and other assistance to the North Carolina Progress Board as
50 requested."

51 Section. 93.(h) G.S. 143B-472.52(b) reads as rewritten:

52 "(b) The Office shall coordinate with the ~~Office of State Budget and Management~~
53 ~~and the Office of State Planning~~ the Office of State Budget, Planning, and

1 Management to integrate agency strategic and business planning, technology planning
2 and budgeting, and project expenditure processes into the Office's information
3 technology portfolio-based management. The Office shall provide recommendations
4 for agency annual budget requests for information technology investments, projects,
5 and initiatives to the ~~Office of State Budget and Management~~. Office of State
6 Budget, Planning, and Management."

7 Section 93.(i) The Revisor of Statutes shall change the term 'Office of
8 State Budget and Management' to 'Office of State Budget, Planning, and
9 Management' wherever it occurs in the General Statutes, except in G.S. 143-3.1.

10 Section 93.(j) The Revisor of Statutes shall change the term 'OSBM' to
11 'Office of State Budget, Planning, and Management' wherever it occurs in the
12 General Statutes.

13 Section 93.(k) The Revisor of Statutes shall change the term 'Office of
14 State Planning' to 'Office of State Budget, Planning, and Management' wherever it
15 occurs in the General Statutes.

16 Section 93.(l) The Revisor of Statutes shall change the term 'State
17 Budget Office' to 'Office of State Budget, Planning, and Management' wherever it
18 occurs in the General Statutes, except in G.S. 143-31.5.

19 Section 93.(m) This section becomes effective July 1, 2000.

20 Section 94. Except as otherwise specified, this act is effective when it becomes
21 law.

**2000 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES**

The following report(s) from standing committee(s) is/are presented:

By Representative(s) **Culpepper** for the Committee on **Rules, Calendar and Operations of the House.**

Committee Substitute for

S.B. 787 A BILL TO BE ENTITLED AN ACT TO REQUIRE THE DEPARTMENT OF TRANSPORTATION TO STUDY THE NEED FOR RECONSTRUCTING OVERPASSES TO REDUCE OR ELIMINATE THE POSSIBILITY OF THROWING OBJECTS FROM THEM.

- With a favorable report.
- With a favorable report and recommendation that the bill be re-referred to the Committee on Appropriations Finance .
- With a favorable report, as amended.
- With a favorable report, as amended, and recommendation that the bill be re-referred to the Committee on Appropriations Finance .
- With a favorable report as to House committee substitute bill, which changes the title, unfavorable as to original bill.
- With a favorable report as to House committee substitute bill (#), which changes the title, unfavorable as to Senate committee substitute bill.
- With an unfavorable report.
- With recommendation that the House concur.
- With recommendation that the House do not concur.
- With recommendation that the House do not concur; request conferees.
- With recommendation that the House concur; committee believes bill to be material.
- With an unfavorable report, with a Minority Report attached.
- Without prejudice.
- With an indefinite postponement report.
- With an indefinite postponement report, with a Minority Report attached.
- With recommendation that it be adopted. (HOUSE RESOLUTION ONLY)

5/25/00

**2000 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES**

The following report(s) from standing committee(s) is/are presented:

By Representative(s) **Culpepper** for the Committee on **Rules, Calendar and Operations of the House.**

- Committee Substitute for
S.B. 1385 A BILL TO BE ENTITLED AN ACT TO APPOINT PERSONS TO VARIOUS PUBLIC OFFICES UPON THE RECOMMENDATION OF THE PRESIDENT PRO TEMPORE OF THE SENATE, AND TO MAKE CHANGES IN THE LAW RELATING TO APPOINTMENTS TO PUBLIC OFFICE.
- With a favorable report.
- With a favorable report and recommendation that the bill be re-referred to the Committee on Appropriations Finance .
- With a favorable report, as amended.
- With a favorable report, as amended, and recommendation that the bill be re-referred to the Committee on Appropriations Finance .
- With a favorable report as to committee substitute bill (#), which changes the title, unfavorable as to (original bill) (Committee Substitute Bill #), (and recommendation that the committee substitute bill #) be re-referred to the Committee on .)
- With a favorable report as to House committee substitute bill, which changes the title, unfavorable as to Senate committee substitute bill.
- With an unfavorable report.
- With recommendation that the House concur.
- With recommendation that the House do not concur.
- With recommendation that the House do not concur; request conferees.
- With recommendation that the House concur; committee believes bill to be material.
- With an unfavorable report, with a Minority Report attached.
- Without prejudice.
- With an indefinite postponement report.
- With an indefinite postponement report, with a Minority Report attached.
- With recommendation that it be adopted. (HOUSE RESOLUTION ONLY)

5/25/00

MINUTES OF THE COMMITTEE ON RULES, CALENDAR AND OPERATIONS OF
THE HOUSE

July 12, 2000

Following recess of the session, the Committee on Rules, Calendar and Operations of the House reconvened at 6:10 p.m. in Room 421 of the Legislative Office Building. The following members were present: Representatives Culpepper, Chairman; Hackney, Vice Chairman; Alexander, Boyd-McIntyre, Crawford, Gibson, Hill, Jarrell, Luebke, McCombs, Michaux, Nye, Tolson, Wood, Wright, Yongue and ex officio member, Cunningham.

Consideration of the following bill was continued:

SENATE COMMITTEE SUBSTITUTE FOR SENATE BILL 1335 – AN ACT TO MAKE TECHNICAL CORRECTIONS AND CONFORMING CHANGES TO THE GENERAL STATUTES AS RECOMMENDED BY THE GENERAL STATUTES COMMISSION, TO MAKE OTHER TECHNICAL AND CONFORMING CHANGES, AND TO AMEND LAWS RELATING TO URBAN WATERFRONT DEVELOPMENT AND THE CLASSIFICATION OF GAMMA HYDROXYBUTYRIC ACID (GHB) AS A CONTROLLED SUBSTANCE. Amendment No. 1 was offered, and Bill Scoggin with the North Carolina Bar Association, Walter Reagan, staff attorney with the Research Division, Jennifer Hoffman, attorney with the Fiscal Research Division, and George Givens, staff attorney with the Research Division, assisted in the explanation of the amendment. Representative Hill moved for adoption of the amendment, and the motion carried. A copy of the amendment is attached herewith. Representative Hackney offered Amendment #2. Following his explanation of the amendment, he moved for its adoption, and the motion carried. Representative Crawford sent forth Amendment #3. Following his explanation Representative Crawford moved for its adoption, and the motion carried. Representative Yongue sent forth Amendment #4. Bill Scoggin explained the amendment, and Representative Yongue moved for its adoption. The motion carried. Representative Crawford sent forth Amendment #5. Walter Reagan explained the amendment, and Representative Crawford moved for its adoption. The motion carried. Representative Crawford then made a motion that the five amendments be incorporated into a House committee substitute and that it be given a favorable report, unfavorable as to the Senate committee substitute. The motion carried.

There being no further business, the meeting adjourned at 7:15 p.m.


Representative Bill Culpepper, Chairman


Dorothy C. Crocker, Committee Assistant

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1999

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3

SENATE BILL 1335
Judiciary I Committee Substitute Adopted 7/6/00
Third Edition Engrossed 7/6/00

Short Title: 2000 Technical Corrections.

(Public)

Sponsors:

Referred to:

May 18, 2000

1 A BILL TO BE ENTITLED
2 AN ACT TO MAKE TECHNICAL CORRECTIONS AND CONFORMING
3 CHANGES TO THE GENERAL STATUTES AS RECOMMENDED BY THE
4 GENERAL STATUTES COMMISSION, TO MAKE OTHER TECHNICAL AND
5 CONFORMING CHANGES, AND TO AMEND LAWS RELATING TO
6 URBAN WATERFRONT DEVELOPMENT AND THE CLASSIFICATION OF
7 GAMMA HYDROXYBUTYRIC ACID (GHB) AS A CONTROLLED
8 SUBSTANCE.

9 The General Assembly of North Carolina enacts:

10 Section 1. G.S. 7A-38.4(1) reads as rewritten:

11 "(1) The Supreme Court may adopt standards for the certification and conduct of
12 mediators and other neutrals who participate in settlement procedures conducted
13 pursuant to this section. The standards may also regulate mediator training programs.
14 The Supreme Court may adopt procedures for the enforcement of those standards.
15 The administration of mediator certification, regulation of mediator conduct, and
16 decertification shall be conducted through the Dispute Resolution Commission."

17 Section 2. G.S. 18B-603(f)(8) reads as rewritten:

18 "(8) The permits authorized by ~~G.S. 18B-100(1)~~, G.S. 18B-1001(1), (3),
19 (5), and (10) for tourism resorts;"

20 Section 3. G.S. 20-19(c3)(3) reads as rewritten:

21 "(3) For any restoration of a drivers license for a person convicted of
22 driving while impaired in a commercial motor vehicle, G.S. 20-

1 138.2, driving while less than 21 years old after consuming alcohol
2 or drugs, G.S. 20-138.3, felony death by vehicle, G.S. 20-141.4(a1),
3 manslaughter or negligent homicide resulting from the operation of
4 a motor vehicle when the offense involved impaired driving, or a
5 revocation under this subsection, that the person not operate a
6 vehicle with an alcohol concentration of greater than 0.00 ~~or more~~
7 at any relevant time after the driving;"

8 Section 4. G.S. 20-19(c3)(4) reads as rewritten:

9 "(4) For any restoration of a drivers license revoked pursuant to G.S.
10 20-23 or G.S. 20-23.2 when the offense for which the person's
11 license was revoked prohibits substantially similar conduct which if
12 committed in this State would result in a conviction of driving
13 while impaired in a commercial motor vehicle, G.S. 20-138.2,
14 driving while less than 21 years old after consuming alcohol or
15 drugs, G.S. 20-138.3, felony death by vehicle, G.S. 20-141.4(a1), or
16 manslaughter or negligent homicide resulting from the operation of
17 a motor vehicle when the offense involved impaired driving, that
18 the person not operate a vehicle with an alcohol concentration of
19 greater than 0.00 ~~or more~~ at any relevant time after the driving."

20 Section 5. G.S. 20-138.2A(b2) reads as rewritten:

21 "(b2) Alcohol Screening Test. -- Notwithstanding any other provision of law, an
22 alcohol screening test may be administered to a driver suspected of violation of
23 subsection (a) of this section, and the results of an alcohol screening test or the
24 driver's refusal to submit may be used by a law enforcement officer, a court, or an
25 administrative agency in determining if alcohol was present in the driver's body. No
26 alcohol screening tests are valid under this section unless the device used is one
27 approved by the Commission ~~on~~ for Health Services, and the screening test is
28 conducted in accordance with the applicable regulations of the Commission as to its
29 manner and use."

30 Section 6. G.S. 20-138.2B(b2) reads as rewritten:

31 "(b2) Alcohol Screening Test. -- Notwithstanding any other provision of law, an
32 alcohol screening test may be administered to a driver suspected of violation of
33 subsection (a) of this section, and the results of an alcohol screening test or the
34 driver's refusal to submit may be used by a law enforcement officer, a court, or an
35 administrative agency in determining if alcohol was present in the driver's body. No
36 alcohol screening tests are valid under this section unless the device used is one
37 approved by the Commission ~~on~~ for Health Services, and the screening test is
38 conducted in accordance with the applicable regulations of the Commission as to its
39 manner and use."

40 Section 7. G.S. 20-138.3(b2) reads as rewritten:

41 "(b2) Alcohol Screening Test. -- Notwithstanding any other provision of law, an
42 alcohol screening test may be administered to a driver suspected of violation of
43 subsection (a) of this section, and the results of an alcohol screening test or the
44 driver's refusal to submit may be used by a law enforcement officer, a court, or an

1 administrative agency in determining if alcohol was present in the driver's body. No
2 alcohol screening tests are valid under this section unless the device used is one
3 approved by the Commission ~~on~~ for Health Services, and the screening test is
4 conducted in accordance with the applicable regulations of the Commission as to its
5 manner and use."

6 Section 8. G.S. 31B-4(a) reads as rewritten:

7 "(a) The right to renounce property or an interest therein is barred by:

- 8 (1) An assignment, conveyance, encumbrance, pledge, or transfer of
9 the property or interest, or a contract therefor by the person
10 authorized to renounce,
11 (2) A written waiver of the right to renounce, or
12 (3) Repealed by Session Laws 1998-148, s. 4.
13 (4) A sale of the property or interest under judicial sale made before
14 the renunciation is effected."

15 Section 9. G.S. 43-46 reads as rewritten:

16 "**§ 43-46. Notice of delinquent taxes filed.**

17 It shall be the duty of the tax collector of each taxing unit, not later than June 30
18 following the date the taxes became delinquent, to file an exact memorandum of the
19 delinquency, if any, of any registered land for the nonpayment of the taxes or
20 assessments thereon, including ~~the~~ interest, in the office of the register of deeds for
21 registration; and if such officer fails to perform such duty, and there shall be
22 subsequent to such day a transfer of the land as hereinbefore provided, the grantee
23 shall acquire a good title free from any lien for such taxes and assessments, and the
24 collector and his sureties shall be liable for the payment of the taxes and assessments
25 with the interest thereon. The register of deeds shall enter the notice of delinquency
26 on the record copy of the certificate of title, and the tax lien shall be valid against the
27 registered estate from the time it is noted on the record copy. The register of deeds
28 shall enter the notice of cancellation of the tax lien on the record copy of the
29 certificate of title upon presentation of satisfactory evidence of payment."

30 Section 10.(a) Section 2.2 of S.L. 1999-189 and Section 50 of S.L. 1999-
31 456 are repealed.

32 Section 10.(b) G.S. 57C-2-20 reads as rewritten:

33 "**§ 57C-2-20. Formation.**

34 (a) One or more persons may ~~organize~~ form a limited liability company by
35 delivering executed articles of organization to the Secretary of State for filing. A
36 limited liability company may also be formed through the conversion of another
37 business entity pursuant to Part 1 of Article 9A of this Chapter.

38 (b) (1) When the filing by the Secretary of State files of the articles of
39 ~~organization,~~ organization becomes effective, the proposed
40 organization becomes a limited liability company subject to this
41 Chapter and to the purposes, conditions, and provisions stated in
42 the ~~articles, and the person executing the articles of organization~~
43 ~~become members of the limited liability company.~~ articles of
44 organization.

1 (2) Filing of the articles of organization by the Secretary of State is
2 conclusive evidence of the ~~organization~~ formation of the limited
3 liability company, except in a proceeding by the State to cancel or
4 revoke the articles of organization or involuntarily dissolve the
5 limited liability company.

6 (c) If initial members are not identified in the articles of organization of a limited
7 liability company in the manner provided in G.S. 57C-3-01(a), the organizers shall
8 hold one or more meetings at the call of a majority of the organizers to identify the
9 initial members of the limited liability company. Unless otherwise provided in this
10 Chapter or in the articles of organization of the limited liability company, all
11 decisions to be made by the organizers at such meetings shall require the approval,
12 consent, agreement, or ratification of a majority of the organizers. Unless otherwise
13 provided in the articles of organization, the organizers may, in lieu of a meeting, take
14 action as described in this subsection by written consent signed by all of the
15 organizers. The written consent may be incorporated in, or otherwise made part of,
16 the initial written operating agreement of the limited liability company."

17 Section 11. G.S. 58-7-70 reads as rewritten:

18 "**§ 58-7-70. Effects of redomestication.**

19 The ~~license~~, agent appointments and licenses, rates, and other items that the
20 Commissioner authorizes or grants, in his discretion, that are in existence at the time
21 any insurer licensed to transact the business of insurance in this State transfers its
22 corporate domicile to this or any other state by merger, consolidation, or any other
23 lawful method, shall continue in full force and effect upon such transfer if such
24 insurer remains duly licensed to transact the business of insurance in this State. All
25 outstanding policies of any transferring insurer shall remain in full force and effect
26 and need not be endorsed as to any new name of the insurer or its new location
27 unless so ordered by the Commissioner. Every transferring insurer shall file new
28 policy forms with the Commissioner on or before the effective date of the transfer,
29 but may use existing policy forms with appropriate endorsements if allowed by, and
30 under such conditions as approved by, the Commissioner: Provided, however, every
31 such transferring insurer shall (i) notify the Commissioner of the details of the
32 proposed transfer and (ii) promptly file any resulting amendments to corporate
33 documents filed or required to be filed with the Commissioner."

34 Section 12. G.S. 58-28-15 reads as rewritten:

35 "**§ 58-28-15. Validity of acts or contracts of unauthorized company shall not impair**
36 **obligation of contract as to the company; maintenance of suits; right to defend.**

37 The failure of a company to obtain a license shall not impair the validity of any
38 acts or contracts of the company. Any person or insured holding contracts of
39 insurance of an unauthorized insurer may bring an action in the courts of this State
40 under the provisions of G.S. 58-16-35 for the enforcement of any rights pursuant to
41 the contract of insurance. The failure of the insurance company to obtain a license
42 shall not prevent such company from defending any action at law or suit in equity in
43 any court of this State so long as the said company fully complies with the provisions
44 of G.S. 58-16-35(c), but no company transacting insurance business in this State

1 without a license shall be permitted to maintain an action at law or in equity in any
2 court of this State to enforce any right, claim or demand arising out of the transaction
3 of such business until such company shall have obtained a license. Nor shall an action
4 at law or in equity be maintained in any court of this State by any successor or
5 assignee of such company on any such right, claim or demand originally held by such
6 company until a license shall have been obtained by the company or by a company
7 which has acquired all or substantially all of its assets. Nothing in this section shall be
8 construed to abrogate the conditions of admission into this State nor to impair the
9 authority of the Commissioner with respect to the issuance of ~~certificates of authority~~
10 ~~licenses~~. licenses. The Commissioner in considering the issuance of a license shall
11 take into consideration the acts or transactions which an unauthorized company has
12 engaged in in this State prior to its application for a license."

13 Section 13. G.S. 58-30-10(6) reads as rewritten:

14 "(6) 'Doing business' includes any of the following acts by insurers,
15 whether effected by mail or otherwise:

- 16 a. The issuance or delivery of contracts of insurance to persons
17 resident in this State;
- 18 b. The solicitation of applications for such contracts, or other
19 negotiations preliminary to the execution of such contracts;
- 20 c. The collection of premiums, membership fees, assessments,
21 or other consideration for such contracts;
- 22 d. The transaction of matters subsequent to execution of such
23 contracts and arising out of them;
- 24 e. Operating as an insurer under a license ~~or license~~ issued by
25 the Department; or
- 26 f. The purchase of contracts of insurance issued to persons in
27 this State by an assumption agreement."

28 Section 14. G.S. 58-30-55(2) reads as rewritten:

29 "**§ 58-30-55. Condition on release from delinquency proceedings.**

30 No insurer that is subject to any delinquency proceedings, whether formal or
31 informal, administrative or judicial, shall:

- 32 (1) Be released from such proceeding, unless such proceeding is
33 converted into a judicial rehabilitation or liquidation proceeding;
- 34 (2) Be permitted to solicit or accept new business or request or accept
35 the restoration of any suspended or revoked ~~license or~~ license;
- 36 (3) Be returned to the control of its shareholders or private
37 management; or
- 38 (4) Have any of its assets returned to the control of its shareholders or
39 private management;

40 until all payments of or on account of the insurer's contractual obligations by all
41 guaranty associations, along with all expenses thereof and interest on all such
42 payments and expenses, have been repaid to the guaranty associations or a plan of
43 repayment by the insurer shall have been approved by the guaranty associations."

44 Section 15. G.S. 58-42-45(a) reads as rewritten:

1 "(a) The provisions of Chapter 150B of the General Statutes shall apply to this
2 Article.

3 ~~shall pursuant to~~".

4 Section 16. G.S. 58-50-1 reads as rewritten:

5 "**§ 58-50-1. Waiver by insurer.**

6 The acknowledgment by any insurer of the receipt of notice given under any
7 policy covered by Articles 49, 50 through 55, 65, or 67 of this Chapter, or the
8 furnishing of forms for filing proofs of loss, or the acceptance of such proofs, or the
9 investigation of any claim ~~[under]~~ under the policy, shall not operate as a waiver of
10 any of the rights of the insurer in defense of any claim arising under the policy."

11 Section 17. G.S. 59-201(a) reads as rewritten:

12 "(a) In order to form a limited partnership, a certificate of limited partnership
13 must be executed and filed in the office of the Secretary of State and set forth:

14 (1) The name of the limited ~~partnership;~~ partnership.

15 (2) The address, including county and city or town, and street and
16 number, if any, of the registered office and the name of the
17 registered agent at such address for service of process required to
18 be maintained by ~~G.S. 59-105;~~ G.S. 59-105.

19 (3) The latest date upon which the limited partnership is to ~~dissolve;~~
20 and dissolve.

21 (4) The name and the address, including county and city or town, and
22 street and number, if any, of each general partner.

23 (5) The address, including county and city or town, and street and
24 number, if any, of the office at which the records referred to in
25 G.S. 59-106 are kept, if such records are not kept at the registered
26 office."

27 Section 18. G.S. 89C-12 reads as rewritten:

28 "**§ 89C-12. Records and reports of Board; evidence.**

29 The Board shall keep a record of its proceedings and a register of all applicants for
30 licensure, showing for each the date of application, name, age, education, and other
31 qualifications, place of business and place of residence, whether the applicant was
32 rejected or a certificate of licensure granted, and the date licensure was rejected or
33 granted. The books and register of the Board shall be prima facie evidence of all
34 matters recorded by the Board, and a copy duly certified by the secretary of the
35 Board under seal shall be admissible in evidence as if the original were produced. A
36 roster showing the names and places of business and of residence of all licensed
37 professional engineers and all licensed professional land surveyors shall be prepared
38 by the secretary of the Board current to the month of January of each year. The
39 roster shall be printed by the Board out of the Board's fund and distributed as
40 described in the Board's rules. On or before the first day of May of each year, the
41 Board shall submit to the Governor a report on its transactions for the preceding
42 year, and shall file with the Secretary of State a copy of the report, together with a
43 complete statement of the receipts and expenditures of the Board attested by the

1 chair and the secretary and a copy of the the roster of licensed professional engineers
2 and professional land surveyors."

3 Section 19.(a) G.S. 93A-3(a) reads as rewritten:

4 "(a) There is hereby created the North Carolina Real Estate Commission,
5 hereinafter called the Commission. The Commission shall consist of nine members,
6 seven members to be appointed by the Governor, one member to be appointed by
7 the General Assembly upon the recommendation of the President Pro Tempore of
8 the Senate in accordance with G.S. 120-121, and one member to be appointed by the
9 General Assembly upon the recommendation of the Speaker of the House of
10 Representatives in accordance with G.S. 120-121. At least three members of the
11 Commission shall be licensed real estate brokers or real estate ~~salesmen~~ salespersons.
12 At least two members of the Commission shall be persons who are not involved
13 directly or indirectly in the real estate or real estate appraisal business. Members of
14 the Commission shall serve three-year terms, so staggered that the terms of ~~two~~ three
15 members expire in one year, the terms of ~~two~~ three members expire in the next year,
16 and the terms of three members expire in the third year of each three-year period.
17 The members of the Commission shall elect one of their members to serve as
18 chairman of the Commission for a term of one year. The Governor may remove any
19 member of the Commission for misconduct, incompetency, or willful neglect of duty.
20 The Governor shall have the power to fill all vacancies occurring on the Commission,
21 except vacancies in legislative appointments shall be filled under G.S. 120-122."

22 Section 19.(b) The Revisor of Statutes is authorized to delete any
23 reference to the words "salesman", "salesman's", "salesmen", and "salesmen's"
24 wherever they appear in Chapter 93A of the General Statutes and to substitute, as
25 appropriate, the words "salesperson", "salesperson's", "salespersons", and
26 "~~salesperson's~~". "salespersons".

27 Section 20.(a) Section 16 of S.L. 1999-293 is repealed.

28 Section 20.(b) G.S. 110-136.3 is amended by adding a new subsection to
29 read:

30 "(d1) Employment verifications. -- For the purpose of establishing or modifying a
31 child support order, the amount of the obligor's gross income may be established by a
32 written statement signed by the obligor's employer or the employer's designee or an
33 Employee Verification form produced by the Automated Collections Tracking System
34 that has been completed and signed by the obligor's employer or the employer's
35 designee. A written statement signed by the employer of the obligor or the
36 employer's designee that sets forth an obligor's gross income, as well as an Employee
37 Verification form signed by the obligor's employer or the employer's designee, shall
38 be admissible evidence in any action establishing or modifying a child support order."

39 Section 21.(a) The introductory language of Section 6 of S.L. 1998-220
40 reads as rewritten:

41 "Section 6. ~~G.S. 115C-174.21(b)~~ G.S. 115C-174.11(b) reads as rewritten:"

42 Section 21.(b) The introductory language of Section 11 of S.L. 1998-220
43 reads as rewritten:

44 "Section 11. ~~G.S. 115C-174.21(e)~~ G.S. 115C-174.11(c) reads as rewritten:"

1 Section 22. G.S. 115C-105.46(2) reads as rewritten:

2 "(2) Shall provide, in cooperation with the Board of Governors of The
3 University of North Carolina, ongoing technical assistance to the
4 local school administrative units in the development,
5 implementation, and evaluation of their local plans under ~~G.S.
6 115C-105.57.~~ G.S. 115C-105.47."

7 Section 23. G.S. 115C-325(n) reads as rewritten:

8 "(n) Appeal. -- Any career employee who has been dismissed or demoted under
9 G.S. 115C-325(e)(2), or under G.S. 115C-325(j2), or who has been suspended without
10 pay under G.S. 115C-325(a)(4a), or any school administrator whose contract is not
11 renewed in accordance with G.S. 115C-287.1, ~~or any school administrator whose
12 contract is not renewed in accordance with G.S. 115C-287.1,~~ or any probationary
13 teacher whose contract is not renewed under G.S. 115C-325(m)(2) shall have the
14 right to appeal from the decision of the board to the superior court for the superior
15 court district or set of districts as defined in G.S. 7A-41.1 in which the career
16 employee is employed. This appeal shall be filed within a period of 30 days after
17 notification of the decision of the board. The cost of preparing the transcript shall be
18 determined under G.S. 115C-325(j2)(8) or G.S. 115C-325(j3)(10). A career employee
19 who has been demoted or dismissed, or a school administrator whose contract is not
20 renewed, who has not requested a hearing before the board of education pursuant to
21 this section shall not be entitled to judicial review of the board's action."

22 Section 24. G.S. 115C-325(q)(1)b. reads as rewritten:

23 "b. If the State Board through its designee recommends the
24 dismissal of a principal under this subdivision, the principal
25 shall be suspended with pay pending a hearing before a
26 panel of three members of the State Board. The purpose of
27 this hearing, which shall be held within 60 days after the
28 principal is suspended, is to determine whether the principal
29 shall be dismissed.

30 ~~These principals shall be suspended with pay pending a
31 hearing before a panel of three members of the State Board.
32 The purpose of this hearing, which shall be held within 60
33 days after the principal is suspended, is to determine
34 whether the principal shall be dismissed."~~

35 Section 25. G.S. 115C-404(a) reads as rewritten:

36 "**§ 115C-404. Use of juvenile court information.**

37 (a) Written notifications received in accordance with G.S. 7B-3101 and
38 information gained from examination of juvenile records in accordance with G.S. 7B-
39 3100 are confidential records, are not public records as defined under G.S. 132-1, and
40 shall not be made part of the student's official record under G.S. 115C-402.
41 Immediately upon receipt, the principal shall maintain these documents in a safe,
42 locked record storage that is separate from the student's other school records. The
43 principal shall shred, burn, or otherwise destroy documents received in accordance
44 with G.S. 7B-3100 to protect the confidentiality of the information when the principal

1 receives notification that the court dismissed the petition under G.S. 7B-2411, the
2 court transferred jurisdiction over the student to superior court under G.S. 7B-2200,
3 or the court granted the student's petition for expunction of the records. The
4 principal shall shred, burn, or otherwise destroy all information gained from
5 examination of juvenile records in accordance with G.S. 7B-3100 when the principal
6 finds that the school no longer needs the information to protect the safety of or to
7 improve the educational opportunities for the student or others. In no case shall the
8 principal make a copy of these documents.

9 ~~G.S. 7A-675.2 Article 31 of Chapter 7B of the General Statutes petition, court,~~
10 ~~records pursuant to Chapter 7B of the General Statutes."~~

11 Section 26. G.S. 116-14(b1) reads as rewritten:

12 "(b1) The President shall receive General Fund appropriations made by the
13 General Assembly for continuing operations of The University of North Carolina that
14 are administered by the President and the President's staff complement established
15 pursuant to G.S. 116-14(b) in the form of a single sum to Budget Code 16010 of The
16 University of North Carolina in the manner and under the conditions prescribed by
17 G.S. 116-30.2. The President, with respect to the foregoing appropriations, shall have
18 the same duties and responsibilities that are prescribed by G.S. 116-30.2 for the
19 Chancellor of a special responsibility constituent institution. The President may
20 establish procedures for transferring funds from Budget Code 16010 to the constituent
21 institutions for nonrecurring expenditures. The President may identify funds for
22 capital improvement projects from Budget Code 16010, and the capital improvement
23 projects may be established following the procedures set out in ~~in~~ G.S. 143-18.1."

24 Section 27. G.S. 116B-66(a) reads as rewritten:

25 "(a) After property has been paid or delivered to the Treasurer under this Article,
26 another state may recover the property if:

- 27 (1) The property was paid or delivered to the custody of this State
28 because the records of the holder did not reflect a last known
29 location of the apparent owner within the borders of the other
30 state, and the other state establishes that the apparent owner or
31 other person entitled to the property was last known to be located
32 within the borders of that state and under the laws of that state the
33 property has escheated or become subject to a claim of
34 abandonment by that state;
- 35 (2) The property was paid or delivered to the custody of this State
36 because the laws of the other state did not provide for the escheat
37 or custodial taking of the property, and under the laws of that state
38 subsequently enacted, the property has escheated or become
39 subject to a claim of abandonment by that state;
- 40 (3) The records of the holder were erroneous in that they did not
41 accurately identify the owner of the property and the last known
42 location of the owner within the borders of another state, and
43 under the laws of that state the property has escheated or become
44 subject to a claim of abandonment by that state; or

1 (4) ~~The property was subjected to custody by this State under G.S.~~
2 ~~116B-56(6), and under the laws of the state of domicile of the~~
3 ~~holder, the property has escheated or become subject to a claim of~~
4 ~~abandonment by that state; or~~

5 (5) The property is a sum payable on a traveler's check, money order,
6 or similar instrument that was purchased in the other state and
7 delivered into the custody of this State under ~~G.S. 116B-56(7)~~, G.S.
8 116B-56(a)(6), and under the laws of the other state, the property
9 has escheated or become subject to a claim of abandonment by
10 that state."

11 Section 28. The catch line of G.S. 120-9 reads as rewritten:

12 "**§ 120-9. Freedom of ~~speech; protection from arrest.~~ speech.**"

13 Section 29. G.S. 126-2(b)(5) reads as rewritten:

14 "(5) One member of the public at large appointed by the Governor.
15 The initial member appointed under this subdivision shall serve for
16 a term expiring June 30, 2001; the terms of subsequent appointees
17 shall be for six years.

18 ~~seven~~".

19 Section 30. G.S. 131D-2(b)(1) reads as rewritten:

20 "(1) The Department of Health and Human Services shall inspect and
21 license, under rules adopted by the Medical Care Commission, all
22 adult care homes for persons who are aged or mentally or
23 physically disabled except those exempt in subsection (c) of this
24 section. Licenses issued under the authority of this section shall be
25 valid for one year from the date of issuance unless revoked earlier
26 by the Secretary for failure to comply with any part of this section
27 or any rules adopted hereunder adult care. ~~adult care adult care~~
28 Licenses shall be renewed annually upon filing and the
29 Department's approval of the renewal application. A license shall
30 not be renewed if outstanding fines and penalties imposed by the
31 State against the home have not been paid. Fines and penalties for
32 which an appeal is pending are exempt from consideration. The
33 renewal application shall contain all necessary and reasonable
34 information that the Department may by rule require. Except as
35 otherwise provided in this subdivision, the Department may amend
36 a license by reducing it from a full license to a provisional license
37 for a period of not more than 90 days whenever the Department
38 finds that:

39 a. The licensee has substantially failed to comply with the
40 provisions of Articles 1 and 3 of Chapter 131D of the
41 General Statutes and the rules adopted pursuant to these
42 Articles;

- 1 b. There is a reasonable probability that the licensee can
2 remedy the licensure deficiencies within a reasonable length
3 of time; and
4 c. There is a reasonable probability that the licensee will be
5 able thereafter to remain in compliance with the licensure
6 rules for the foreseeable future.

7 The Department may extend a provisional license for not more
8 than one additional 90-day period upon finding that the licensee
9 has made substantial progress toward remedying the licensure
10 deficiencies that caused the license to be reduced to provisional
11 status.

12 The Department may revoke a license whenever:

- 13 a. The Department finds that:
14 1. The licensee has substantially failed to comply with
15 the provisions of Articles 1 and 3 of Chapter 131D of
16 the General Statutes and the rules adopted pursuant
17 to these Articles; and
18 2. It is not reasonably probable that the licensee can
19 remedy the licensure deficiencies within a reasonable
20 length of time; or
21 b. The Department finds that:
22 1. The licensee has substantially failed to comply with
23 the provisions of Articles 1 and 3 of Chapter 131D of
24 the General Statutes and the rules adopted pursuant
25 to these Articles; and
26 2. Although the licensee may be able to remedy the
27 deficiencies within a reasonable time, it is not
28 reasonably probable that the licensee will be able to
29 remain in compliance with licensure rules for the
30 foreseeable future; or
31 c. The Department finds that the licensee has failed to comply
32 with the provisions of Articles 1 and 3 of Chapter 131D of
33 the General Statutes and the rules adopted pursuant to these
34 Articles, and the failure to comply endangered the health,
35 safety, or welfare of the patients in the facility.

36 The Department may also issue a provisional license to a facility,
37 pursuant to rules adopted by the Medical Care Commission, for
38 substantial failure to comply with the provisions of this section or
39 rules adopted pursuant to this section. Any facility wishing to
40 contest the issuance of a provisional license shall be entitled to an
41 administrative hearing as provided in the Administrative Procedure
42 Act, Chapter 150B of the General Statutes. A petition for a
43 contested case shall be filed within 30 days after the Department
44 mails written notice of the issuance of the provisional license."

Section 31. G.S. 136-176(b)(2) reads as rewritten:

"(2) Twenty-five and five hundredths percent (25.05%) to plan, design, and construct the urban loops described in ~~G.S. 136-80~~ G.S. 136-180 and to pay debt service on highway bonds and notes that are issued under the State Highway Bond Act of 1996 and whose proceeds are applied to these urban loops."

Section 32. G.S. 143-151.57(a) reads as rewritten:

"(a) Maximum Fees. -- The Board may adopt fees that do not exceed the amounts set in the following table for administering this Article:

<u>Item</u>	<u>Maximum Fee</u>
Application for home inspector license	\$25.00
Application for associate home inspector license	15.00
Home inspector examination	75.00
Issuance of home inspector license	150.00
Issuance of associate home inspector license	100.00
Late renewal of home inspector license	25.00
Late renewal of associate home inspector license	15.00
Application for course approval	150.00
Renewal of course approval	75.00
Course fee, per credit hour per licensee	5.00
Credit for unapproved continuing education course	50.00
Copies of Board rules or licensure standards	Cost of printing and mailing."

Section 33. G.S. 143B-270(c) reads as rewritten:

"(c) Members appointed shall hold office for a term of four years beginning on October 1, 1987, except that three of the initial appointees and these three appointees' immediate successors shall serve a term of two years, with the immediate successors' terms expiring on September 30, 1991. ~~The Speaker, Lieutenant Governor, and Governor shall each select one of their initial appointees to serve a two-year term.~~"

Section 34. G.S. 160A-23.1(d) reads as rewritten:

"(d) If the council adopts the resolution provided for in subsection (a) of this section ~~and:~~

- (1) ~~Does and does~~ not adopt the changes, or
- (2) ~~Does~~ does adopt the changes, but approval under the Voting Rights Act of 1965, as amended, is required, and notice of such approval is not received,

by the end of the third day before the opening of the filing period, the municipal election shall be rescheduled as provided in this subsection and current officeholders shall hold over until their successors are elected and qualified. For cities using the:

- (1) Partisan primary and election method under G.S. 163-291, the primary shall be held on the primary election date for county officers in 2002, the second primary, if necessary, shall be held on

1 the second primary election date for county officers in 2002, and
2 the general election shall be held on the general election date for
3 county officers in ~~1992~~, 2002;

4 (2) Nonpartisan primary and election method under G.S. 163-294, the
5 primary shall be held on the primary election date for county
6 officers in 2002 and the election shall be held on the date for the
7 second primary for county officers in 2002;

8 (3) Nonpartisan plurality election method under G.S. 163-292, the
9 election shall be held on the primary election date for county
10 officers in 2002;

11 (4) Election and runoff method under G.S. 163-293, the election shall
12 be held on the primary election date for county officers in 2002
13 and the runoffs, if necessary, shall be held on the date for the
14 second primary for county officers in 2002.

15 The organizational meeting of the new council may be held at any time after the
16 results of the election have been officially determined and published, but not later
17 than the time and date of the first regular meeting of the council in July 2002, except
18 in the case of partisan municipal elections, when the organizational meeting shall be
19 held not later than the time and date of the first regular meeting of the council in
20 December of 2002."

21 Section 35. G.S. 5A-23(g) reads as rewritten:

22 "~~(g) A judge conducting a hearing to determine if a person is in civil contempt~~
23 ~~may at that hearing, upon making the required findings, find the person in criminal~~
24 ~~contempt for the same conduct, regardless of whether imprisonment for civil~~
25 ~~contempt is proper in the case. A person who is found in civil contempt under this~~
26 Article shall not, for the same conduct, be found in criminal contempt under Article
27 1 of this Chapter."

28 Section 36. G.S. 7A-41(c)(8) reads as rewritten:

29 "(8) The names and boundaries of precincts in New Hanover and
30 Pender Counties are those in existence on ~~May~~ December 1, 1999."

31 Section 37. G.S. 14-113.20(b) reads as rewritten:

32 "(b) The term "identifying information" as used in this section includes the
33 following:

34 (1) Social security numbers.

35 (2) Drivers license numbers.

36 (3) Checking account numbers.

37 (4) Savings account numbers.

38 (5) Credit card numbers.

39 (6) Debit card numbers.

40 (7) Personal Identification (PIN) Code as defined in ~~G.S. 14-113.8(8).~~
41 G.S. 14-113.8(6).

42 (8) Electronic identification numbers.

43 (9) Digital signatures.

1 (10) Any other numbers or information that can be used to access a
2 person's financial resources."

3 Section 38. G.S. 7A-751(a) reads as rewritten:

4 "(a) The head of the Office of Administrative Hearings is the Chief
5 Administrative Law Judge, who shall serve as Director of the Office. The Chief
6 Administrative Law Judge has the powers and duties conferred on that position by
7 this Chapter and the Constitution and laws of this State and may adopt rules to
8 implement the conferred powers and duties.

9 The salary of the Chief Administrative Law Judge shall be the same as that fixed
10 from time to time for district court judges. The salary of a Senior Administrative
11 Law Judge shall be ninety-five percent (95%) of the salary of the Chief
12 Administrative Law Judge.

13 In lieu of merit and other increment raises, the Chief Administrative Law Judge
14 and any Senior Administrative Law Judge shall receive longevity pay on the same
15 basis as is provided to employees of the State who are subject to the State Personnel
16 Act."

17 Section 38.1.(a) G.S. 17C-3(a) reads as rewritten:

18 "(a) There is established the North Carolina Criminal Justice Education and
19 Training Standards Commission, hereinafter called 'the Commission,' ~~in the~~
20 ~~Department of Justice.~~ Commission.' The Commission shall be composed of 26
21 members as follows:

22 (1) Police Chiefs. -- Three police chiefs selected by the North Carolina
23 Association of Chiefs of Police and one police chief appointed by
24 the Governor.

25 (2) Police Officers. -- Three police officials appointed by the North
26 Carolina Police Executives Association and two criminal justice
27 officers certified by the Commission as selected by the North
28 Carolina Law-Enforcement Officers' Association.

29 (3) Departments. -- The Attorney General of the State of North
30 Carolina; the Secretary of the Department of Crime Control and
31 Public Safety; the Secretary of the Department of Correction; the
32 President of the ~~Department~~ North Carolina System of Community
33 Colleges.

34 (3a) A representative of the Office of Juvenile Justice.

35 (4) At-large Groups. -- One individual representing and appointed by
36 each of the following organizations: one mayor selected by the
37 League of Municipalities; one law-enforcement training officer
38 selected by the North Carolina Law-Enforcement Training
39 Officers' Association; one criminal justice professional selected by
40 the North Carolina Criminal Justice Association; one sworn law-
41 enforcement officer selected by the North State Law-Enforcement
42 Officers' Association; one member selected by the North Carolina
43 Law-Enforcement Women's Association; and one District Attorney
44 selected by the North Carolina Association of District Attorneys.

1 (5) Citizens and Others. -- The President of The University of North
2 Carolina; the Director of the Institute of Government; and two
3 citizens, one of whom shall be selected by the Governor and one
4 of whom shall be selected by the Attorney General. The General
5 Assembly shall appoint two persons, one upon the
6 recommendation of the Speaker of the House of Representatives
7 and one upon the recommendation of the President Pro Tempore
8 of the Senate. Appointments by the General Assembly shall be
9 made in accordance with G.S. 120-122. Appointments by the
10 General Assembly shall serve two-year terms to conclude on June
11 30th in odd-numbered years."

12 Section 38.1.(b) G.S. 17C-6(a) reads as rewritten:

13 "(a) In addition to powers conferred upon the Commission elsewhere in this
14 Chapter, the Commission shall have the following powers, which shall be enforceable
15 through its rules and regulations, certification procedures, or the provisions of G.S.
16 17C-10:

- 17 (1) Promulgate rules and regulations for the administration of this
18 Chapter, which rules may require (i) the submission by any
19 criminal justice agency of information with respect to the
20 employment, education, retention, and training of its criminal
21 justice officers, and (ii) the submission by any criminal justice
22 training school of information with respect to its criminal justice
23 training programs that are required by this Chapter;
- 24 (2) Establish minimum educational and training standards that must be
25 met in order to qualify for entry level employment and retention as
26 a criminal justice officer in temporary or probationary status or in
27 a permanent position;
- 28 (3) ~~Certify~~, Certify and recertify, pursuant to the standards that it has
29 established for the purpose, persons as qualified under the
30 provisions of this Chapter to be employed at entry level and
31 retained as criminal justice officers;
- 32 (4) Establish minimum standards for the certification of criminal
33 justice training schools and programs or courses of instruction that
34 are required by this Chapter;
- 35 (5) ~~Certify~~, Certify and recertify, pursuant to the standards that it has
36 established for the purpose, criminal justice training schools and
37 programs or courses of instruction that are required by this
38 Chapter;
- 39 (6) Establish minimum standards and levels of education and
40 experience for all criminal justice instructors who participate in
41 programs or courses of instruction that are required by this
42 Chapter;
- 43 (7) ~~Certify~~, Certify and recertify, pursuant to the standards that it has
44 established for the purpose, criminal justice instructors who

- 1 participate in programs or courses of instruction that are required
2 by this Chapter;
- 3 (8) Investigate and make such evaluations as may be necessary to
4 determine if criminal justice agencies, schools, and individuals are
5 complying with the provisions of this Chapter;
- 6 (9) Adopt and amend bylaws, consistent with law, for its internal
7 management and control;
- 8 (10) Enter into contracts incident to the administration of its authority
9 pursuant to this Chapter;
- 10 (11) Establish minimum standards and levels of training for certification
11 and periodic recertification of operators of and instructors for
12 training programs in radio microwave, laser, and other electronic
13 speed-measuring instruments;
- 14 (12) Certify and recertify, pursuant to the standards that it has
15 established, operators and instructors for training programs for
16 each approved type of radio microwave, laser, and other electronic
17 speed-measuring instruments;
- 18 (13) In conjunction with the Secretary of Crime Control and Public
19 Safety, approve use of specific models and types of radio
20 microwave, laser, and other speed-measuring instruments and
21 establish the procedures for operation of each approved instrument
22 and standards for calibration and testing for accuracy of each
23 approved instrument.
- 24 (14) Establish minimum standards for in-service training for criminal
25 justice officers."

26 Section 39. G.S. 18B-108 reads as rewritten:

27 "**§ 18B-108. Sales on trains.**

28 Alcoholic beverages may be sold on railroad trains in this State upon ~~receipt of the~~
29 ~~required revenue license under G.S. 105-113.76.~~ compliance with Article 2C of
30 Chapter 105 of the General Statutes."

31 Section 40.(a) G.S. 24-1.1A(c) reads as rewritten:

32 "(c) If the home loan is one described in subdivision (a)(1) or subdivision (a)(2)
33 of this section, the lender may charge the borrower the following fees and charges in
34 addition to interest and other fees and charges as permitted in this section and late
35 payment charges as permitted in G.S. 24-10.1:

- 36 (1) At or before loan closing, the lender may charge such of the
37 following fees and charges as may be agreed upon by the parties
38 notwithstanding the provisions of any State law, other than G.S.
39 24-1.1E, limiting the amount of such fees or charges:
- 40 a. Loan application, origination, ~~and commitment fees;~~
41 commitment, and interest rate lock fees;
- 42 a1. Fees to administer a construction loan or a
43 construction/permanent loan, including inspection fees and
44 loan conversion fees;

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- b. Discount points, but only to the extent the discount points are paid for the purpose of reducing, and in fact result in a bona fide reduction of the interest rate or time-price differential;
 - c. Assumption fees to the extent permitted by G.S. 24-10(d);
 - d. Appraisal fees to the extent permitted by G.S. 24-10(h);
 - e. ~~To Fees and charges to the extent permitted by G.S. 24-8(d), sums for the payment of bona fide loan-related goods, products, and services provided or to be provided by third parties and sums for the payment of taxes, filing fees, recording fees, and other charges, and fees paid or to be paid to public officials; G.S. 24-8(d);~~ and
 - f. Additional fees and charges, however individually or collectively denominated, payable to the lender which, in the aggregate, do not exceed the greater of (i) one quarter of one percent (1/4 of 1%) of the principal amount of the loan, or (ii) one hundred fifty dollars (\$150.00).
- (2) Except as provided in subsection (g) of this section with respect to the deferral of loan payments, upon modification, renewal, extension, or amendment of any of the terms of a home loan, the lender may charge such of the following fees and charges as may be agreed upon by the parties notwithstanding the provisions of any State law, other than G.S. 24-1.1E, limiting the amount of such fees or charges:
- a. Discount points, but only to the extent the discount points are paid for the purpose of reducing, and in fact result in a bona fide reduction of, the interest rate or time-price differential;
 - a1. Fees which do not exceed one quarter of one percent (1/4 of 1%) of the principal amount of the loan if the principal amount of the loan is less than one hundred fifty thousand dollars (\$150,000), or one percent of the principal amount of the loan if the principal amount of the loan is one hundred fifty thousand dollars (\$150,000) or more, for the conversion of a variable interest rate loan to a fixed interest rate loan, of a fixed interest rate loan to a variable interest rate loan, of a closed-end loan to an open-end loan, or of an open-ended loan to a closed-end loan;
 - b. Assumption fees to the extent permitted by G.S. 24-10(d);
 - c. Appraisal fees to the extent permitted by G.S. 24-10(h);
 - d. ~~To Fees and charges to the extent permitted by G.S. 24-8(d), sums for the payment of bona fide loan-related goods, products, and services provided or to be provided by third parties and sums for the payment of taxes, filing fees,~~

1 ~~recording fees, and other charges, and fees paid or to be~~
2 ~~paid to public officials; G.S. 24-8(d); and~~

- 3 e. Additional If no fees are charged under subdivision (c)(2)b.
4 of this section, additional fees and charges, however
5 individually or collectively denominated, payable to the
6 lender which, in the aggregate, do not exceed the greater of
7 (i) one quarter of one percent (1/4 of 1%) of the balance
8 outstanding at the time of the modification, renewal,
9 extension, or amendment of terms, or (ii) one hundred fifty
10 dollars (\$150.00). The fees and charges permitted by this
11 sub-subdivision may be charged only pursuant to a written
12 agreement which states the amount of the fee or charge and
13 is made at the time of the specific modification, renewal,
14 extension, or amendment, or at the time the specific
15 modification, renewal, extension, or amendment is
16 requested.'

17 Section 40.(b) G.S. 24-1.1A(g)(2)e. reads as rewritten:

- 18 "e. ~~No lender may charge a deferral fee for modifying or~~
19 ~~extending the maturity date of a loan or the date a balloon~~
20 ~~payment is due; provided, however, that any such~~
21 ~~modification or extension of the loan maturity date or the~~
22 ~~date a balloon payment is due shall, to the extent applicable,~~
23 ~~be considered a modification or extension subject to the~~
24 ~~provisions of subdivision (c)(2) of this section. A lender may~~
25 charge a deferral fee under this subsection for deferring the
26 payment of all or part of one or more regularly scheduled
27 payments, regardless of whether the deferral results in an
28 extension of the loan maturity date or the date a balloon
29 payment is due. A modification or extension of the loan
30 maturity date or the date a balloon payment is due which is
31 not incident to the deferral of a regularly scheduled
32 payment shall be considered a modification or extension
33 subject to the provisions of subdivision (c)(2) of this
34 section.'

35 Section 40.(c) G.S. 24-89(d) reads as rewritten:

- 36 "(d) Notwithstanding any contrary provision of State law, any lender may collect
37 money from the borrower for the payment of (i) bona fide loan-related goods,
38 products, and services provided or to be provided by third parties, ~~and~~ (ii) taxes,
39 filing fees, recording fees, and other charges and fees paid or to be paid to public
40 ~~officials.~~ officials, and (iii) fees payable to the federal government, any state or local
41 government or any federal, state, or local governmental agency in connection with a
42 loan made pursuant to a loan program sponsored by or offered through the federal
43 government, any state or local government or any federal, state or local government
44 agency, including loan guarantee and tax credit programs. No third party shall

1 charge or receive (i) any unreasonable compensation for loan-related goods, products,
2 and services, or (ii) any compensation for which no loan-related goods and products
3 are provided or for which no or only nominal loan-related services are performed.
4 Loan-related goods, products, and services include fees for tax payment services, fees
5 for flood certification, fees for pest-infestation determinations, mortgage brokers' fees,
6 appraisal fees, inspection fees, environmental assessment fees, fees for credit report
7 services, assessments, costs of upkeep, surveys, attorneys' fees, notary fees, escrow
8 charges,
9 and insurance premiums (including, for example, fire, title, life, accident and health,
10 disability, unemployment, flood, and mortgage insurance)."

11 Section 40.1. G.S. 24-1.1E(c) reads as rewritten:

12 "(c) Prohibited Acts and Practices. -- The following acts and practices are
13 prohibited in the making of a high-cost home loan:

14 (1) No lending without home-ownership counseling. -- A lender may
15 not make a high-cost home loan without first receiving certification
16 from a counselor approved by the North Carolina Housing Finance
17 Agency that the borrower has received counseling on the
18 advisability of the loan transaction and the appropriate loan for the
19 borrower.

20 (2) No lending without due regard to repayment ability. -- As used in
21 this subsection, the term "obligor" refers to each borrower, co-
22 borrower, cosigner, or guarantor obligated to repay a loan. A
23 lender may not make a high-cost home loan unless the lender
24 reasonably believes at the time the loan is consummated that one
25 or more of the obligors, when considered individually or
26 collectively, will be able to make the scheduled payments to repay
27 the obligation based upon a consideration of their current and
28 expected income, current obligations, employment status, and other
29 financial resources (other than the borrower's equity in the
30 dwelling which secures repayment of the loan). An obligor shall be
31 presumed to be able to make the scheduled payments to repay the
32 obligation if, at the time the loan is consummated, the obligor's
33 total monthly debts, including amounts owed under the loan, do
34 not exceed fifty percent (50%) of the obligor's monthly gross
35 income as verified by the credit application, the obligor's financial
36 statement, a credit report, financial information provided to the
37 lender by or on behalf of the obligor, or any other reasonable
38 means; provided, no presumption of inability to make the
39 scheduled payments to repay the obligation shall arise solely from
40 the fact that, at the time the loan is consummated, the obligor's
41 total monthly debts (including amounts owed under the loan)
42 exceed fifty percent (50%) of the obligor's monthly gross income.

43 (3) No financing of fees or charges. -- In making a high-cost home
44 loan, a lender may not directly or indirectly finance:

- 1 a. Any prepayment fees or penalties payable by the borrower
2 in a refinancing transaction if the lender or an affiliate of
3 the lender is the noteholder of the note being refinanced;
4 b. Any points and fees; or
5 c. Any other charges payable to third parties.
- 6 (4) No benefit from refinancing existing high-cost home loan with new
7 high-cost home loan. -- A lender may not charge a borrower points
8 and fees in connection with a high-cost home loan if the proceeds
9 of the high-cost home loan are used to refinance an existing high-
10 cost home loan held by the same lender as noteholder.
- 11 (5) Restrictions on home-improvement contracts. -- A lender may not
12 pay a contractor under a home-improvement contract from the
13 proceeds of a high-cost home loan other than (i) by an instrument
14 payable to the borrower or jointly to the borrower and the
15 contractor, or (ii) at the election of the borrower, through a third-
16 party escrow agent in accordance with terms established in a
17 written agreement signed by the borrower, the lender, and the
18 contractor prior to the disbursement.
- 19 (6) No shifting of liability. -- A lender is prohibited from shifting any
20 loss, liability, or claim of any kind to the closing agent or closing
21 attorney for any violation of this section."

22 Section 41. G.S. 42A-19 reads as rewritten:

23 "§ 42A-19. Transfer of property subject to a vacation rental agreement.

24 (a) The grantee of residential property voluntarily transferred by a landlord who
25 has entered into a vacation rental agreement for the use of the property shall take his
26 or her title subject to the vacation rental agreement if the vacation rental is to end
27 not later than 180 days after the grantee's interest in the property is recorded in the
28 office of the register of deeds. If the vacation rental is to end more than 180 days
29 after the recording of the grantee's interest, the tenant shall have no right to enforce
30 the terms of the agreement unless the grantee has agreed in writing to honor such
31 terms, but the tenant shall be entitled to a refund of ~~any~~ payments made by him or
32 ~~her.~~ her, as provided in subsection (b) of this section. Prior to entering into any
33 contract of sale, the landlord shall disclose to the grantee the time periods that the
34 property is subject to a vacation rental agreement. Not later than 10 days after
35 entering into the contract of sale the landlord shall disclose to the grantee each
36 tenant's name and address and shall provide the grantee with a copy of each vacation
37 rental agreement. Not later than 10 days after transfer of the property, the grantee or
38 the grantee's agent shall:

- 39 (1) Notify each tenant in writing of the property transfer, the grantee's
40 name and address, and the date the grantee's interest was
41 recorded.
- 42 (2) Advise each tenant whether he or she has the right to occupy the
43 property subject to the terms of the vacation rental agreement and
44 the provisions of this section.

1 (3) Advise each tenant of whether he or she has the right to receive a
2 refund of any payments made by him or her.

3 (b) Except as otherwise provided in this subsection, upon termination of the
4 landlord's interest in the residential property subject to a vacation rental agreement,
5 whether by sale, assignment, death, appointment of receiver or otherwise, the
6 landlord or the landlord's agent, or the real estate broker, shall, within 30 days,
7 transfer all advance rent paid by the tenant, and the portion of any fees remaining
8 after any lawful deductions made under G.S. 42A-16, to the landlord's successor in
9 interest and thereafter notify the tenant by mail of such transfer and of the
10 transferee's name and address. For vacation rentals that end more than 180 days after
11 the recording of the interest of the landlord's successor in interest, unless the
12 landlord's successor in interest has agreed in writing to honor the vacation rental
13 agreement, the landlord or the landlord's agent, or the real estate broker, shall,
14 within 30 days, transfer all advance rent paid by the tenant, and the portion of any
15 fees remaining after any lawful deductions made under G.S. 42A-16, to the tenant.
16 Compliance with this subsection shall relieve the landlord or real estate broker of
17 further liability with respect to any payment of rent or fees. Funds held as a security
18 deposit shall be disbursed in accordance with G.S. 42A-18.

19 ~~(e) If, prior to the tenant's occupancy of the property, the landlord's interest in~~
20 ~~the property is involuntarily transferred to another, the landlord shall refund to the~~
21 ~~tenant within 60 days after the transfer any payments made by the tenant.~~

22 (d) The failure of a landlord to comply with the provisions of this section shall
23 constitute an unfair trade practice in violation of G.S. 75-1.1. A landlord who
24 complies with the requirements of this section shall have no further obligations to the
25 tenant."

26 Section 42.(a) G.S. 43-22 reads as rewritten:

27 "**§ 43-22. Jurisdiction of courts; registered land affected only by registration.**

28 Except as otherwise specially provided by this Chapter, registered land and
29 ownership therein shall be subject to the jurisdiction of the courts in the same
30 manner as if it had not been registered; but the registration shall be the only
31 operative act to transfer or affect the title to registered land, and shall date from the
32 time the writing, instrument or record to be registered is duly filed in the office of the
33 register of deeds, subject to the provisions of this Chapter; no voluntary or
34 involuntary transaction shall affect the title to registered lands until registered in
35 accordance with the provisions of this Chapter: Provided, that all mortgages, deeds,
36 surrendered and canceled certificates, when new certificates are issued for the land so
37 deeded, the other paper- writings, if any, pertaining to and affecting the registered
38 estate or estates herein referred to, shall be filed by the register of deeds for reference
39 and information, but the ~~registration of titles book~~ consolidated real property records
40 shall be and constitute sole and conclusive legal evidence of title, except in cases of
41 mistake and fraud, which shall be corrected in the methods now provided for the
42 correction of papers authorized to be registered."

43 Section 42.(b) G.S. 43-25 reads as rewritten:

44 "**§ 43-25. Release from registration.**

1 Whenever the record owner of any estate in lands, the title to which has been
2 registered or attempted to be registered in accordance with the provisions of this
3 Chapter, desires to have such estate released from the provisions of said Chapter
4 insofar as said Chapter relates to the form of conveyance, so that such estate may
5 ever thereafter be conveyed, either absolutely or upon condition or trust, by the use
6 of any desired form of conveyance other than the certificate of title prescribed by said
7 Chapter, such owner may present his owner's certificate of title to such registered
8 estate to the register of deeds of the county wherein such land lies, with a
9 memorandum or statement written by him on the margin thereof in the words
10 following, or words of similar import, to wit: "I (or we),....., being the owner (or
11 owners) of the registered estate evidenced by this certificate of title, do hereby release
12 said estate from the provisions of Chapter 43 of the General Statutes of North
13 Carolina insofar as said Chapter relates to the form of conveyance, so that hereafter
14 the said estate may, and shall be forever until again hereafter registered in accordance
15 with the provisions of said Chapter and acts amendatory thereof, conveyed, either
16 absolutely or upon condition or trust, by any form of conveyance other than the
17 certificate of title prescribed by said Chapter, and in the same manner as if said estate
18 had never been registered." Which said memorandum or statement shall further state
19 that it is made pursuant to the provisions of this section, and shall be signed by such
20 record owner and attested by the register of deeds under his hand and official seal,
21 and a like memorandum or statement so entered, signed and attested upon the
22 margin of the record of the said owner's certificate of title in the ~~registration of titles~~
23 book consolidated real property records in said register's office, with the further
24 notation made and signed by the register of deeds on the margin of the certificate of
25 title in the ~~registration of titles book~~ consolidated real property records showing that
26 such entry has been made upon the owner's certificate of title; and thereafter any
27 conveyance of such registered estate, or any part thereof, by such owner, his heirs or
28 assigns, by means of any desired form of conveyance other than such certificate of
29 title shall be as valid and effectual to pass such estate of the owner according to the
30 tenor and purport of such conveyance in the same manner and to the same extent as
31 if such estate had never been so registered."

32 Section 42.(c) G.S. 43-31 reads as rewritten:

33 **"§ 43-31. When whole of land conveyed.**

34 Whenever the whole of any registered estate is transferred or conveyed the same
35 shall be done by a transfer or conveyance attached to the certificate substantially as
36 follows:

37 The owners (giving the names of the parties owning land described in the
38 certificate) hereby, in consideration of _____ dollars, sell
39 and convey to the purchaser (giving name of purchaser) the lot or tract of land, as
40 the case may be, described in the certificate of title hereto attached. The transfer shall
41 be indexed on the grantor and grantee indexes in the same manner as deeds are
42 indexed.

43 The same shall be signed and properly acknowledged by the parties and shall have
44 the full force and effect of a deed in fee simple: Provided, that if the sale shall be in

1 trust, upon condition, with power to sell or other unusual form of conveyance, the
2 same shall be set out in the transfer, and shall be entered upon the ~~registration of~~
3 ~~titles book~~ consolidated real property records as hereinafter provided; that upon
4 presentation of the transfer, together with the certificate of title, to the register of
5 deeds, the transaction shall be duly noted and registered in accordance with the
6 provisions of this Chapter, and certificate of title so presented shall be canceled and a
7 new certificate with the same number issued to the purchaser thereof, which new
8 certificate shall fully refer by number and also by name of holder to former certificate
9 just canceled."

10 Section 42.(d) G.S. 43-35 reads as rewritten:

11 "**§ 43-35. References and cross references entered on register.**

12 In all cases the register of deeds shall place upon the ~~registry of title books~~
13 consolidated real property records and upon the certificate of title of such registered
14 estate therein, references and cross references to the new certificates issued as above
15 provided, in accordance with the provisions of this Article, and the new certificates
16 issued shall fully refer by number and by name of the holder to the canceled
17 certificate in place of which they are issued."

18 Section 42.(e) G.S. 43-36 reads as rewritten:

19 "**§ 43-36. When land conveyed as security.**

20 (a) Whole Land Conveyed. -- Whenever the owner of any registered estate shall
21 desire to convey same as security for debt, it may be done in the following manner,
22 by a short form of transfer, substantially as follows, to wit:

23 A.B. and wife (giving names of all owners or holders of certificates and their
24 wives) hereby transfer to C.D. the tract or lot of land described as No. in
25 registration of titles book for County, a certificate for the title for same being
26 hereto attached, to secure a debt of dollars, due to, of County and
27 State, on the ... day of,, evidenced by bond (or otherwise as the case may
28 be) dated the day of, In case of default in payment of said debt with
29 accrued interest, days notice of sale required.

30 The same shall be signed and properly acknowledged by the parties making same,
31 and shall be presented, together with the owner's certificate, to the register of deeds,
32 whose duty it shall be to note upon the owner's certificate and upon the certificate of
33 title in the ~~registration of titles book~~ consolidated real property records the name of
34 the trustee, the amount of debt, and the date of maturity of same.

35 (b) Part of Land Conveyed. -- When a part of the registered estate shall be so
36 conveyed, the register of deeds shall note upon the ~~book~~ consolidated real property
37 records and owner's certificate the part so conveyed, and if the same be required and
38 the proper fee paid by the trustee, shall issue what shall be known as a partial
39 certificate, over his hand and seal, setting out the portion so conveyed.

40 (c) Effect of Transfer. -- All transfers by such short form shall convey the power of
41 sale upon due advertisement at the county courthouse and in some newspaper
42 published in the county, or adjoining county, in the same manner and as fully as is
43 now provided by law in the case of mortgages and deeds of trust and default therein.

1 (d) Other Encumbrances Noted. -- All registered encumbrances, rights or adverse
2 claims affecting the estate represented thereby shall continue to be noted, not only
3 upon the certificate of title in the ~~registration book~~, consolidated real property
4 records, but also upon the owner's certificate, until same shall have been released or
5 discharged. And in the event of second or other subsequent voluntary encumbrances
6 the holder of the certificate may be required to produce such certificate for the entry
7 thereon or attachment thereto of the note of such subsequent charge or encumbrance
8 as provided in this Article.

9 (e) Other Forms of Conveyance May Be Used. -- Nothing in this section nor this
10 Chapter shall be construed to prevent the owner from conveying such land, or any
11 part of the same, as security for a debt by deed of trust or mortgage in any form
12 which may be agreed upon between the parties thereto, and having such deed of trust
13 or mortgage recorded in the office of the register of deeds as other deeds of trust and
14 mortgages are recorded: Provided, that the book and page of the record at which
15 such deed of trust or mortgage is recorded shall be entered by the register of deeds
16 upon the owner's certificate and also on the ~~registration of titles book~~. consolidated
17 real property records.

18 (f) Sale under Lien; New Certification. -- Upon foreclosure of such deed of trust or
19 mortgage, or sale under execution for taxes or other lien on the land, the fact of such
20 foreclosure or sale shall be reported by the trustee, mortgagee or other person
21 authorized to make the same, to the register of deeds of the county in which the land
22 lies, and, upon satisfactory evidence thereof, it shall be his duty to call in and cancel
23 the outstanding certificate of title for the land, so sold, and to issue a new certificate
24 in its place to the purchaser or other person entitled thereto; and the production of
25 such outstanding certificate and its surrender by the holder thereof may be
26 compelled, upon notice to him, by motion before and order of the clerk of the
27 superior court in the original proceeding or the clerk of the superior court of the
28 county in which the land lies; but the right of appeal from such order may be
29 exercised and shall be allowed as in other special proceedings, and pending any such
30 appeal the rights of all parties shall be preserved."

31 Section 42.(f) G.S. 43-38 reads as rewritten:

32 "**§ 43-38. Transfers probated; partitions; contracts.**

33 All transfers of registered land shall be duly executed and probated as required by
34 law upon like conveyances of other lands, and in all cases of change in boundary by
35 partition, subtraction or addition of land there shall be an accurate survey and
36 permanent marking of boundaries and accurate plots, showing the courses, distances
37 and markings of every portion thereof, which shall be duly proved and registered as
38 upon the initial registration. Such transfers shall be presented to the register of deeds
39 for entry upon the ~~registration of titles book~~ consolidated real property records and
40 upon the owner's certificate within 30 days from the date thereof, or become subject
41 to any rights which may accrue to any other person by a prior registration. All leases
42 or contracts affecting land for a period exceeding three years shall be in writing, duly
43 proved before the clerk of the superior court, recorded in the register's office, and
44 noted upon the registry and upon the owner's certificate."

1 Section 42.(g) G.S. 43-39 reads as rewritten:

2 **"§ 43-39. Certified copy of order of court noted.**

3 In voluntary transactions a certificate from the proper State, county or court
4 officer, or certified copy of the order, decree or judgment of any court of competent
5 jurisdiction shall be authority for him to order a proper notation thereof upon the
6 ~~registration of titles book,~~ consolidated real property records, and for the register of
7 deeds to note the transaction under the direction of the court."

8 Section 42.(h) G.S. 43-42 reads as rewritten:

9 **"§ 43-42. Conveyance of registered land in trust.**

10 Whenever a writing, instrument or record is filed for the purpose of transferring
11 registered land in trust, or upon any equitable condition or limitation expressed
12 therein, or for the purpose of creating or declaring a trust or other equitable interest
13 in such land, the particulars of the trust, condition, limitation or other equitable
14 interest shall not be entered on the certificate, but it shall be sufficient to enter in the
15 ~~book~~ consolidated real property records and upon the certificates a memorial thereof
16 by the terms "in trust" or "upon condition" or in other apt words, and to refer by
17 number to the writing, instrument or record authorizing or creating the same. And if
18 express power is given to sell, encumber or deal with the land in any manner, such
19 power shall be noted upon the certificates by the term "with power to sell" or "with
20 power to encumber," or by other apt words."

21 Section 42.(i) G.S. 43-44 reads as rewritten:

22 **"§ 43-44. Validating conveyance by entry on margin of certificate.**

23 In all cases where the owner of any estate in lands, the title to which has been
24 registered or attempted to be registered in accordance with the provisions of this
25 Chapter, has before August 21, 1924, and subsequent to such registration made any
26 conveyance of such estate, or any portion thereof, by any form of conveyance
27 sufficient in law to pass the title thereto if the title to said lands had not been so
28 registered, the record owner and holder of the certificate of title covering such
29 registered estate may enter upon the margin of his certificate of title in the
30 ~~registration of titles book~~ consolidated real property records a memorandum showing
31 that such registered estate, or a portion thereof, has been so conveyed, and further
32 showing the name of the grantee or grantees and the number of the book and the
33 page thereof where such conveyance is recorded in the office of the register of deeds,
34 and make a like entry upon the owner's certificate of title held by him, both of such
35 entries to be signed by him and witnessed by the register of deeds, and attested by the
36 seal of office of the register of deeds upon said owner's certificate, with the further
37 notation made and signed by the register of deeds on the margin of the certificate of
38 title in the ~~registration of titles book~~ consolidated real property records showing that
39 such entry has been made upon the owner's certificate of title, and thereupon such
40 conveyance shall become and be as valid and effectual to pass such estate of the
41 owner according to the tenor and purport of such conveyance as if the title to said
42 lands had never been so registered, whether such conveyance be in form absolute or
43 upon condition of trust; and in all cases where such conveyance has been made
44 before August 21, 1924, upon the making of the entries herein authorized by the

1 record owner and holder of such owner's certificate of title, the grantee and his heirs
2 and assigns shall thereafter have the same right to convey the said estate or any part
3 of the same in all respects as if the title to said lands had never been so registered."

4 Section 42.(j) This section is effective retroactive to January 1, 2000.

5 Section 43. G.S. 55-5-04(b) reads as rewritten:

6 "(b) Whenever a corporation shall fail to appoint or maintain a registered agent in
7 this State, or whenever its registered agent cannot with due diligence be found at the
8 registered office, then the Secretary of State shall be an agent of such corporation
9 upon whom any such process, notice or demand may be served. Service on the
10 Secretary of State of any such process, notice or demand shall be made by delivering
11 to and leaving with ~~him~~ the Secretary of State or with any clerk having charge of the
12 corporation department of ~~his~~ the Secretary of State's office, duplicate copies of such
13 process, notice or ~~demand~~. demand and the fee required by G.S. 55-1-22(b). In the
14 event any such process, notice or demand is served on the Secretary of ~~State~~, he State
15 in the manner provided for in this section, the Secretary of State shall immediately
16 mail one of the copies thereof, by registered or certified mail, return receipt
17 requested, to the corporation at its principal office shown in its most recent annual
18 report or in any subsequent communication received from the corporation stating the
19 current mailing address of its principal office or, if there is no mailing address for the
20 principal office on file, to the corporation at its registered office. Service on a
21 corporation under this subsection shall be effective for all purposes from and after the
22 date of such service on the Secretary of State."

23 Section 44. G.S. 55-9-05 reads as rewritten:

24 "**§ 55-9-05. Exemptions.**

25 The provisions of G.S. 55-9-02 shall not be applicable to any corporation that shall
26 be made the subject of a business combination by an other entity if: (i) the
27 corporation was not a public corporation (as defined in G.S. 55-1-40 (18a)) at the
28 time such other entity acquired in excess of ten percent (10%) of the voting shares;
29 (ii) on or before September 30, 1990 (or such earlier date as may be irrevocably
30 established by resolution of the board of directors), the board of directors of a
31 corporation to which G.S. 55-9-02 was not applicable on July 1, 1990, (other than a
32 corporation described in G.S. 55-9-05 (iii)) adopted a bylaw stating that the
33 provisions of this Article shall not be applicable to the corporation; (iii) in the case of
34 a corporation to which G.S. 55-9-02 was not applicable on July 1, 1990, as the result
35 of adoption by its board of directors under G.S. 55-9-05(ii) of a bylaw providing that
36 G.S. 55-9-02 not apply to such corporation, the board of directors of such corporation
37 shall not have rescinded such bylaw on or before September 30, 1990 (or such earlier
38 date as may be irrevocably established by resolution of the board of directors); (iv) in
39 the case of a corporation (including its predecessors) which becomes a public
40 corporation for the first time after July 1, 1990, such corporation adopts a bylaw
41 within 90 days of becoming a public corporation stating that the provisions of this
42 Article shall not be applicable to it; (v) in the case of a newly formed corporation
43 after April 23, 1987, the initial articles of incorporation of the corporation shall
44 provide that the provisions of this Article shall not be applicable; ~~or~~ (vi) such

1 business combination was the subject of an existing agreement of the corporation on
2 ~~April 23, 1987.~~ April 23, 1987; or (vii) on or after September 1, 2000, and on or
3 before December 31, 2000, the board of directors of a corporation to which G.S. 55-
4 9-02 was applicable on September 1, 2000, adopts a bylaw stating that the provisions
5 of this Article shall not be applicable to the corporation. Neither the adoption or
6 failure to adopt a bylaw of the type set forth in ~~G.S. 55-9-05(ii) or (iv)~~ G.S. 55-9-
7 05(ii), (iv), or (vii) of this section nor the rescission or failure to rescind a bylaw of
8 the type referred to in G.S. 55-9-05(iii) shall constitute grounds for any cause of
9 action, at law or in equity, against the corporation or any of its directors."

10 Section 45. G.S. 55-11-10(e1) reads as rewritten:

11 "(e1) If the surviving business entity is not a domestic limited liability company, a
12 domestic corporation, a domestic nonprofit corporation, or a domestic limited
13 partnership, when the merger takes effect the surviving business entity is deemed:

14 (1) To agree that it may be served with process in this State in any
15 proceeding for enforcement (i) of any obligation of any merging
16 domestic limited liability company, domestic corporation, domestic
17 nonprofit corporation, domestic limited partnership, or other
18 partnership as defined in G.S. 59-36 that is formed under the laws
19 of this State, (ii) the rights of dissenting shareholders of any
20 merging domestic corporation under Article 13 of this Chapter,
21 and (iii) any obligation of the surviving business entity arising from
22 the merger; and

23 (2) If the surviving business entity does not have a registered agent in
24 this State, to have appointed the Secretary of State as its registered
25 agent for service of process in any such proceeding until such time
26 as the surviving business entity appoints a registered agent in this
27 State. Service on the Secretary of State of any such process shall
28 be made by delivering to and leaving with the Secretary of State or
29 with any clerk authorized by the Secretary of State to accept
30 service of process, duplicate copies of such ~~process.~~ process and
31 the fee required by G.S. 55-1-22(b). Upon receipt of service of
32 process on behalf of a surviving business ~~entity,~~ entity in the
33 manner provided for in this section, the Secretary of State shall
34 immediately mail a copy of the process by registered or certified
35 mail, return receipt requested, to the surviving business entity at its
36 address shown in the articles of merger or, if an application for a
37 certificate of withdrawal by reason of merger has been filed, at the
38 address for service of process contained in that application."

39 Section 46. G.S. 55A-5-04(b) reads as rewritten:

40 "(b) When a corporation fails to appoint or maintain a registered agent in this
41 State, or when its registered agent cannot with due diligence be found at the
42 registered office, the Secretary of State shall be an agent of the corporation upon
43 whom any process, notice, or demand may be served. Service on the Secretary of
44 State of any process, notice, or demand shall be made by delivering to and leaving

1 with the Secretary of State or with any clerk having charge of the corporation
2 department of ~~his~~ the Secretary of State's office, duplicate copies of such process,
3 notice, or ~~demand~~. demand and the fee required by G.S. 55A-1-22(b). In the event
4 any process, notice, or demand is served on the Secretary of State, ~~he~~ State in the
5 manner provided for in this section, the Secretary of State shall immediately mail one
6 of the copies thereof, by registered or certified mail, return receipt requested, to the
7 corporation at its principal office shown in its most recent annual report, if
8 applicable, the articles of incorporation, the Designation of Principal Office Address
9 form, in any subsequent Corporation's Statement of Change of Principal Office
10 Address form, or in any subsequent communication received from the corporation
11 stating the current mailing address of its principal office or, if there is no mailing
12 address for the principal office on file, to the corporation at its registered office.
13 Service on a corporation under this subsection shall be effective for all purposes from
14 and after the date of such service on the Secretary of State."

15 Section 47. G.S. 55-9A-09 reads as rewritten:

16 "**§ 55-9A-09. Exemptions.**

17 The provisions of this Article shall not be applicable to any corporation if, on or
18 before September 30, 1990, or such earlier date as may be irrevocably established by
19 resolution of the board of directors, or at any time before the corporation becomes,
20 or after it ceases to be, a covered corporation, the board of directors adopts a bylaw
21 stating that the provisions of this Article shall not be applicable to the corporation;
22 or, in the case of a corporation formed after August 12, 1987, its initial articles of
23 incorporation provide that this Article shall not be applicable to the ~~corporation~~.
24 corporation; or on or after September 1, 2000, and on or before December 31, 2000,
25 the board of directors of a corporation to which the provisions of this Article were
26 applicable on September 1, 2000, adopts a bylaw stating that the provisions of this
27 Article shall not be applicable to the corporation. Neither adoption nor failure to
28 adopt such a bylaw or provision shall constitute grounds for any cause of action
29 against the corporation, or any officer or director of the corporation."

30 Section 48. G.S. 55A-11-09(e1) reads as rewritten:

31 "(e1) If the surviving business entity is not a domestic limited liability company, a
32 domestic business corporation, a domestic nonprofit corporation, or a domestic
33 limited partnership, when the merger takes effect the surviving business entity is
34 deemed:

- 35 (1) To agree that it may be served with process in this State in any
36 proceeding for enforcement of (i) any obligation of any merging
37 domestic limited liability company, domestic business corporation,
38 domestic nonprofit corporation, domestic limited partnership, or
39 other partnership as defined in G.S. 59-36 that is formed under the
40 laws of this State, (ii) the rights of dissenting shareholders of any
41 merging domestic business corporation under Article 13 of Chapter
42 55 of the General Statutes, and (iii) any obligation of the surviving
43 business entity arising from the merger; and

1 (2) If the surviving business entity does not have a registered agent in
2 this State, to have appointed the Secretary of State as its registered
3 agent for service of process in any such proceeding until such time
4 as the surviving business entity appoints a registered agent in this
5 State. Service on the Secretary of State of any such process shall
6 be made by delivering to and leaving with the Secretary of State or
7 with any clerk authorized by the Secretary of State to accept
8 service of process, duplicate copies of such ~~process~~ process and
9 the fee required by G.S. 55A-1-22(b). Upon receipt of service of
10 process on behalf of a surviving business ~~entity~~, entity in the
11 manner provided for in this section, the Secretary of State shall
12 immediately mail a copy of the process by registered or certified
13 mail, return receipt requested, to the surviving business entity at its
14 address shown in the articles of merger or, if an application for a
15 certificate of withdrawal by reason of merger has been filed, at the
16 address for service of process contained in that application."

17 Section 49. G.S. 57C-2-43(b) reads as rewritten:

18 "(b) Whenever a limited liability company shall fail to appoint or maintain a
19 registered agent in this State, or whenever its registered agent cannot with due
20 diligence be found at the registered office, then the Secretary of State shall be an
21 agent of the limited liability company upon whom any process, notice, or demand
22 may be served. Service on the Secretary of State of any such process, notice, or
23 demand shall be made by delivering to and leaving with the Secretary of State or
24 with any clerk having charge of the limited liability company department of the
25 Secretary of State's office, duplicate copies of the process, notice, or ~~demand~~
26 demand and the fee required by G.S. 57C-1-22(b). In the event any such process,
27 notice, or demand is served on the Secretary of ~~State~~, State in the manner provided
28 for in this section, the Secretary of State shall immediately mail one of the copies
29 thereof, by registered or certified mail, return receipt requested, to the limited
30 liability company at its principal office shown in its most recent annual report, at the
31 address indicated in the latest communication received by the Secretary of State from
32 the limited liability company stating the current mailing address of its principal office
33 or, if there is no mailing address for the principal office on file, to the limited liability
34 company at its registered office. Service on a limited liability company under this
35 subsection shall be effective for all purposes from and after the date of the service on
36 the Secretary of State."

37 Section 50. G.S. 57C-7-04(a) reads as rewritten:

38 "(a) A foreign limited liability company may apply for a certificate of authority to
39 transact business in this State by delivering an application to the Secretary of State
40 for filing. The application must set forth:

- 41 (1) The name of the foreign limited liability company or, if its name is
42 unavailable for use in this State, a name that satisfies the
43 requirements of G.S. 57C-7-06;
- 44 (2) The name of the state or country under whose law it is organized;

- 1 (3) Its date of organization and period of duration;
2 (4) The street address, and the mailing address if different from the
3 street address, of its principal ~~office in the state or country under~~
4 ~~whose law it is organized;~~ office;
5 (5) The street address, and the mailing address if different from the
6 street address, of its registered office in this State and the name of
7 its registered agent at that office; and
8 (6) The names and usual business addresses of its current managers."

9 Section 51. G.S. 57C-9A-23(b) reads as rewritten:

10 "(b) If the surviving business entity is not a domestic limited liability company, a
11 domestic corporation, a domestic nonprofit corporation, or a domestic limited
12 partnership when the merger takes effect, the surviving business entity is deemed:

- 13 (1) To agree that it may be served with process in this State in any
14 proceeding for enforcement of (i) any obligation of any merging
15 domestic limited liability company, domestic corporation, domestic
16 nonprofit corporation, domestic limited partnership, or other
17 partnership as defined in G.S. 59-36 that is formed under the laws
18 of this State, (ii) the rights of dissenting shareholders of any
19 merging domestic corporation under Article 13 of Chapter 55 of
20 the General Statutes, and (iii) any obligation of the surviving
21 business entity arising from the merger; and

- 22 (2) If the surviving business entity does not have a registered agent in
23 this State, to have appointed the Secretary of State as its registered
24 agent for service of process in any such proceeding until such time
25 as the surviving business entity appoints a registered agent in this
26 State. Service on the Secretary of State of any such process shall
27 be made by delivering to and leaving with the Secretary of State or
28 with any clerk authorized by the Secretary of State to accept
29 service of process, duplicate copies of such ~~process;~~ process and
30 the fee required by G.S. 57C-1-22(b). Upon receipt of service of
31 process on behalf of a surviving business ~~entity;~~ entity in the
32 manner provided for in this section, the Secretary of State shall
33 immediately mail a copy of the process by registered or certified
34 mail, return receipt requested, to the surviving business entity at its
35 address shown in the articles of merger or, if an application for a
36 certificate of withdrawal by reason of merger has been filed, at the
37 address for service of process contained in that application."

38 Section 52. G.S. 59-73.6(b) reads as rewritten:

39 "(b) If the surviving business entity is not a domestic limited liability company, a
40 domestic corporation, a domestic nonprofit corporation, or a domestic limited
41 partnership when the merger takes effect, the surviving business entity is deemed:

- 42 (1) To agree that it may be served with process in this State in any
43 proceeding for enforcement of (i) any obligation of any merging
44 domestic limited liability company, domestic corporation, domestic

1 nonprofit corporation, domestic limited partnership, or other
2 partnership as defined in G.S. 59-36 that is formed under the laws
3 of this State, (ii) the rights of dissenting shareholders of any
4 merging domestic corporation under Article 13 of Chapter 55 of
5 the General Statutes, and (iii) any obligation of the surviving
6 business entity arising from the merger; and

- 7 (2) If the surviving business entity does not have a registered agent in
8 this State, to have appointed the Secretary of State as its registered
9 agent for service of process in any such proceeding until such time
10 as the surviving business entity appoints a registered agent in this
11 State. Service on the Secretary of State of any such process shall
12 be made by delivering to and leaving with the Secretary of State or
13 with any clerk authorized by the Secretary of State to accept
14 service of process, duplicate copies of such ~~process~~ process and
15 the fees required by G.S. 59-73.7(c). Upon receipt of service of
16 process on behalf of a surviving business ~~entity~~ entity in the
17 manner provided for in this section, the Secretary of State shall
18 immediately mail a copy of the process by registered or certified
19 mail, return receipt requested, to the surviving business entity at its
20 address shown in the articles of merger or, if an application for a
21 certificate of withdrawal by reason of merger has been filed, at the
22 address for service of process contained in that application."

23 Section 53. G.S. 59-84.2(h) reads as rewritten:

24 "~~(h) An amendment or withdrawal of a registration is effective on the later of the~~
25 ~~date it is filed or a deferred effective date specified in the amendment or withdrawal.~~
26 A registration is amended by filing a certificate of amendment thereto in the office of
27 the Secretary of State. The certificate shall set forth the following:

- 28 (1) The name of the partnership.
29 (2) The date of filing of the registration.
30 (3) The amendment to the registration."

31 Section 54. G.S. 59-91(f) reads as rewritten:

32 "~~(f) An amendment or withdrawal of a registration is effective on the later of the~~
33 ~~date it is filed or a deferred effective date specified in the amendment or withdrawal.~~
34 A registration is amended by filing a certificate of amendment thereto in the office of
35 the Secretary of State. The certificate shall set forth the following:

- 36 (1) The name of the partnership.
37 (2) The date of filing of the registration.
38 (3) The amendment to the registration."

39 Section 55. G.S. 59-902(a)(4) reads as rewritten:

40 "(a) Before transacting business in this State, a foreign limited partnership shall
41 procure a certificate of authority to transact business in this State from the Secretary
42 of State. No foreign limited partnership shall be entitled to transact in this State any
43 business which a limited partnership organized under this Article is not permitted to
44 transact. In order to register, a foreign limited partnership shall deliver to the

1 Secretary of State an original and one conformed copy of an application for
2 registration as a foreign limited partnership, signed by a general partner and setting
3 forth:

- 4 (1) The name of the foreign limited partnership and, if different, the
5 name under which it proposes to register and transact business in
6 this State;
- 7 (2) The jurisdiction and date of its formation;
- 8 (3) The date of formation and the period of duration;
- 9 (4) The address, including county and city or town, and street and
10 number, if any, of the principal office of the foreign limited
11 ~~partnership in the jurisdiction under the laws of which it is formed;~~
12 partnership;
- 13 (5) The address, including county and city or town, and street and
14 number, if any, of the proposed registered office of the foreign
15 limited partnership in this State, and the name of its proposed
16 registered agent in this State at such address; the agent must be an
17 individual resident of this State, a domestic corporation, or a
18 foreign corporation having a place of business in, and authorized
19 to do business in this State;
- 20 (6) If the certificate of limited partnership filed in the foreign limited
21 partnership's state of organization is not required to include the
22 names and addresses of the partners, a list of the names and
23 addresses or, at the election of the foreign limited partnership, a
24 list of the names and addresses of the general partners and the
25 address, including county and city or town, and street and number,
26 of the office at which is kept a list of the names and addresses of
27 the limited partners and their capital contributions, together with
28 an undertaking by the foreign limited partnership to keep such
29 records until such foreign limited partnership's registration in this
30 State is cancelled;
- 31 (7) A statement that in consideration of the issuance of a certificate of
32 authority to transact business in this State, the foreign limited
33 partnership appoints the Secretary of State of North Carolina as
34 the agent to receive service of process, notice, or demand,
35 whenever the foreign limited partnership fails to appoint or
36 maintain a registered agent in this State or whenever any such
37 registered agent cannot with reasonable diligence be found at the
38 registered office;
- 39 (8) The names and addresses including county and city or town, and
40 street and number, if any, of all of the general partners;
- 41 (9) The execution of a certificate or amendment by a general partner
42 constitutes an affirmation under the penalties of perjury that the
43 facts stated therein are true."

44 Section 56. G.S. 62-302 reads as rewritten:

1 "§ 62-302. Regulatory fee.

2 (a) Fee Imposed. -- It is the policy of the State of North Carolina to provide fair
3 regulation of public utilities in the interest of the public, as provided in G.S. 62-2.
4 The cost of regulating public utilities is a burden incident to the privilege of
5 operating as a public utility. Therefore, for the purpose of defraying the cost of
6 regulating public utilities, every public utility subject to the jurisdiction of the
7 Commission shall pay a quarterly regulatory fee, in addition to all other fees and
8 taxes, as provided in this section. The fees collected shall be used only to pay the
9 expenses of the Commission and the Public Staff in regulating public utilities in the
10 interest of the public.

11 It is also the policy of the State to provide limited oversight of certain electric
12 membership corporations as provided in G.S. 62-53. Therefore, for the purpose of
13 defraying the cost of providing the oversight authorized by G.S. 62-53 and G.S.
14 117-18.1, each fiscal year each electric membership corporation whose principal
15 purpose is to furnish or cause to be furnished bulk electric supplies at wholesale as
16 provided in G.S. 117-16 shall pay an annual fee as provided in this section.

17 (b) Public Utility Rate. --

18 (1) ~~For the 1989-90 fiscal year, the regulatory fee shall be the greater~~
19 ~~of (i) twelve hundredths percent (0.12%) of each public utility's~~
20 ~~North Carolina jurisdictional revenues for each quarter or (ii) six~~
21 ~~dollars and twenty-five cents (\$6.25) each quarter.~~

22 (2) ~~For fiscal years beginning on or after July 1, 1990, the~~ The public
23 utility regulatory fee for each fiscal year shall be the greater of (i) a
24 percentage rate, established by the General Assembly, of each
25 public utility's North Carolina jurisdictional revenues for each
26 quarter or (ii) six dollars and twenty-five cents (\$6.25) each
27 quarter.

28 When the Commission prepares its budget request for the
29 upcoming fiscal year, the Commission shall propose a percentage
30 rate of the public utility regulatory fee. For fiscal years beginning
31 in an odd-numbered year, that proposed rate shall be included in
32 the budget message the Governor submits to the General Assembly
33 pursuant to G.S. 143-11. For fiscal years beginning in an even-
34 numbered year, that proposed rate shall be included in a special
35 budget message the Governor shall submit to the General
36 Assembly. The General Assembly shall set the percentage rate of
37 the public utility regulatory fee by law.

38 The percentage rate may not exceed the amount necessary
39 to generate funds sufficient to defray the estimated cost of the
40 operations of the Commission and the Public Staff for the
41 upcoming fiscal year, including a reasonable margin for a reserve
42 fund. The amount of the reserve may not exceed the estimated cost
43 of operating the Commission and the Public Staff for the upcoming
44 fiscal year. In calculating the amount of the reserve, the General

1 Assembly shall consider all relevant factors that may affect the cost
2 of operating the Commission or the Public Staff or a possible
3 unanticipated increase or decrease in North Carolina jurisdictional
4 revenues.

5 (3) If the Commission, the Public Staff, or both experience a revenue
6 shortfall, the Commission shall implement a temporary public
7 utility regulatory fee surcharge to avert the deficiency that would
8 otherwise occur. In no event may the total percentage rate of the
9 public utility regulatory fee plus any surcharge established by the
10 Commission exceed twenty-five hundredths percent (0.25%).

11 (4) As used in this section, the term 'North Carolina jurisdictional
12 revenues' means all revenues derived or realized from intrastate
13 tariffs, rates, and charges approved or allowed by the Commission
14 or collected pursuant to Commission order or rule, but not
15 including tap-on fees or any other form of contributions in aid of
16 construction.

17 (b1) Electric Membership Corporation Rate. -- ~~For the purpose of providing the~~
18 ~~oversight authorized by G.S. 62-53 and G.S. 117-18.1, beginning with the 1999-2000~~
19 ~~fiscal year the North Carolina Electric Membership Corporation shall pay an annual~~
20 ~~flat fee to the fund established in subsection (d) of this section. The amount of the~~
21 ~~annual~~ electric membership corporation regulatory fee for each fiscal year shall be a
22 dollar amount as established by the General Assembly by law.

23 When the Commission prepares its budget request for the upcoming fiscal year, the
24 Commission shall propose the amount of the electric membership corporation
25 regulatory fee. For fiscal years beginning in an odd-numbered year, the proposed
26 amount shall be included in the budget message the Governor submits to the General
27 Assembly pursuant to G.S. 143-11. For fiscal years beginning in an even-numbered
28 year, the proposed amount shall be included in a special budget message the
29 Governor shall submit to the General Assembly.

30 The amount of the electric membership corporation regulatory fee proposed by the
31 Commission may not exceed the amount necessary to defray the estimated cost of the
32 operations of the Commission and the Public Staff for the regulation of the electric
33 membership corporations in the upcoming fiscal year, including a reasonable margin
34 for a reserve fund. The amount of the reserve may not exceed the estimated cost of
35 the Commission and the Public Staff for the regulation of the electric membership
36 corporations for the upcoming fiscal year. ~~The fee will be assessed on a quarterly~~
37 ~~basis and will be due and payable to the Commission on or before the 15th day of the~~
38 ~~second month following the end of each quarter.~~

39 (c) When Due. -- The electric membership corporation regulatory fee imposed
40 under this section shall be paid in quarterly installments. The fee is due and payable
41 to the Commission on or before the 15th day of the second month following the end
42 of each quarter.

43 The public utility regulatory fee imposed under this section, ~~except the fee~~
44 ~~imposed by subsection (b1) of this section,~~ section is due and payable to the

1 Commission on or before the 15th day of the second month following the end of each
2 quarter. Every public utility subject to the public utility regulatory fee shall, on or
3 before the date the fee is due for each quarter, prepare and render a report on a form
4 prescribed by the Commission. The report shall state the public utility's total North
5 Carolina jurisdictional revenues for the preceding quarter and shall be accompanied
6 by any supporting documentation that the Commission may by rule require. Receipts
7 shall be reported on an accrual basis.

8 If a public utility's report for the first quarter of any fiscal year shows that
9 application of the percentage rate would yield a quarterly fee of twenty-five dollars
10 (\$25.00) or less, the public utility shall pay an estimated fee for the entire fiscal year
11 in the amount of twenty-five dollars (\$25.00). If, after payment of the estimated fee,
12 the public utility's subsequent returns show that application of the percentage rate
13 would yield quarterly fees that total more than twenty-five dollars (\$25.00) for the
14 entire fiscal year, the public utility shall pay the cumulative amount of the fee
15 resulting from application of the percentage rate, to the extent it exceeds the amount
16 of fees, other than any surcharge, previously paid.

17 (d) Use of Proceeds. -- A special fund in the office of State Treasurer, the Utilities
18 Commission and Public Staff Fund, is created. The fees collected pursuant to this
19 section and all other funds received by the Commission or the Public Staff, except for
20 the clear proceeds of civil penalties collected pursuant to G.S. 62-50(d) and the clear
21 proceeds of funds forfeited pursuant to G.S. 62-310(a), shall be deposited in the
22 Utilities Commission and Public Staff Fund. The Fund shall be placed in an interest
23 bearing account and any interest or other income derived from the Fund shall be
24 credited to the Fund. Moneys in the Fund shall only be spent pursuant to
25 appropriation by the General Assembly.

26 The Utilities Commission and Public Staff Fund shall be subject to the provisions
27 of the Executive Budget Act except that no unexpended surplus of the Fund shall
28 revert to the General Fund. All funds credited to the Utilities Commission and Public
29 Staff Fund shall be used only to pay the expenses of the Commission and the Public
30 Staff in regulating public utilities in the interest of the public as provided by this
31 Chapter and in regulating electric membership corporations as provided in G.S. 117-
32 18.1.

33 The clear proceeds of civil penalties collected pursuant to G.S. 62-50(d) and the
34 clear proceeds of funds forfeited pursuant to G.S. 62-310(a) shall be remitted to the
35 Civil Penalty and Forfeiture Fund in accordance with G.S. 115C-457.2."

36 Section 57. G.S. 66-273 reads as rewritten:

37 "**§ 66-273. Prerequisites for authentication.**

38 All of the following conditions must be met before a document can be
39 authenticated:

- 40 (1) All seals and signatures must be originals.
- 41 (2) All dates must follow in chronological order on all certifications.
- 42 (3) All acknowledgments to be authenticated by the Secretary shall be
43 in English or accompanied by a certified or notarized English
44 translation.

1 (4) Whenever a copy is used, it must include a statement that it is a
2 true and accurate copy.

3 (5) Whenever a document is to be authenticated by the United States
4 Department of State, it must comply with all applicable statutes,
5 rules, and regulations of that office."

6 Section 58. G.S. 66-291 reads as rewritten:

7 **"§ 66-291. Requirements.**

8 (a) Any tobacco product manufacturer selling cigarettes to consumers within the
9 State (whether directly or through a distributor, retailer, or similar intermediary or
10 intermediaries) after the effective date of this Article shall do one of the following:

11 (1) Become a participating manufacturer (as that term is defined in
12 section II(jj) of the Master Settlement Agreement) and generally
13 perform its financial obligations under the Master Settlement
14 Agreement; or

15 (2) Place into a qualified escrow fund by April 15 of the year
16 following the year in question the following amounts (as such
17 amounts are adjusted for inflation):

18 a. 1999: \$.0094241 per unit sold after the effective date of this
19 Article.

20 b. 2000: \$.0104712 per unit sold.

21 c. For each of 2001 and 2002: \$.0136125 per unit sold.

22 d. For each of 2003 through 2006: \$.0167539 per unit sold.

23 e. For each of 2007 and each year thereafter: \$.0188482 per
24 unit sold.

25 (b) A tobacco product manufacturer that places funds into escrow pursuant to
26 subdivision (2) of ~~section~~ subsection (a) of this ~~subsection~~ section shall receive the
27 interest or other appreciation on such funds as earned. Such funds themselves shall
28 be released from escrow only under the following circumstances:

29 (1) To pay a judgment or settlement on any released claim brought
30 against such tobacco product manufacturer by the State or any
31 releasing party located or residing in the State. Funds shall be
32 released from escrow under this subdivision (i) in the order in
33 which they were placed into escrow and (ii) only to the extent and
34 at the time necessary to make payments required under such
35 judgment or settlement;

36 (2) To the extent that a tobacco product manufacturer establishes that
37 the amount it was required to place into escrow in a particular
38 year was greater than the State's allocable share of the total
39 payments that such manufacturer would have been required to
40 make in that year under the Master Settlement Agreement (as
41 determined pursuant to section IX(i)(2) of the Master Settlement
42 Agreement, and before any of the adjustments or offsets described
43 in section IX(i)(3) of that Agreement other than the Inflation
44 Adjustment) had it been a participating manufacturer, the excess

1 shall be released from escrow and revert back to such tobacco
2 product manufacturer; or

3 (3) To the extent not released from escrow under subdivisions (1) or
4 (2) of this subsection, funds shall be released from escrow and
5 revert back to such tobacco product manufacturer 25 years after
6 the date on which they were placed into escrow.

7 (c) Each tobacco product manufacturer that elects to place funds into escrow
8 pursuant to this section shall annually certify to the Attorney General that it is in
9 compliance with this section. The Attorney General may bring a civil action on
10 behalf of the State against any tobacco product manufacturer that fails to place into
11 escrow the funds required under this section. Any tobacco product manufacturer that
12 fails in any year to place into escrow the funds required under this section shall:

13 (1) Be required within 15 days to place such funds into escrow as shall
14 bring it into compliance with this section. The court, upon a
15 finding of a violation ~~of this subsection~~, either of subdivision (2) of
16 subsection (a) of this section or subsection (b) of this section, or of
17 this section, may impose a civil penalty (the clear proceeds of
18 which shall be paid to the Civil Penalty and Forfeiture Fund in
19 accordance with G.S. 115C-457.2) in an amount not to exceed five
20 percent (5%) of the amount improperly withheld from escrow per
21 day of the violation and in a total amount not to exceed one
22 hundred percent (100%) of the original amount improperly
23 withheld from escrow;

24 (2) In the case of a knowing violation, be required within 15 days to
25 place such funds into escrow as shall bring it into compliance with
26 this section. The court, upon a finding of a knowing violation
27 either of subdivision (2) of subsection (a) of this section, section, of
28 subsection (b) of this section, or of this section, may impose a civil
29 penalty (the clear proceeds of which shall be paid to the Civil
30 Penalty and Forfeiture Fund in accordance with G.S. 115C-457.2)
31 in an amount not to exceed fifteen percent (15%) of the amount
32 improperly withheld from escrow per day of the violation and in a
33 total amount not to exceed three hundred percent (300%) of the
34 original amount improperly withheld from escrow; and

35 (3) In the case of a second knowing violation, be prohibited from
36 selling cigarettes to consumers within the State (whether directly or
37 through a distributor, retailer, or similar intermediary) for a period
38 not to exceed two years.

39 Each failure to make an annual deposit required under this section shall constitute
40 a separate violation."

41 Section 59.(a) G.S. 85B-3.2(a) reads as rewritten:

42 "(a) Definitions. -- The following definitions shall apply in this section:

43 (1) Applicant -- An applicant for initial licensure as an ~~auctioneer~~
44 auctioneer, apprentice auctioneer, or auction firm.

- 1 (2) Criminal history -- A State or federal history of conviction of a
2 crime, whether a misdemeanor or felony, that bears upon an
3 applicant's fitness to be licensed as an ~~auctioneer~~ auctioneer,
4 apprentice auctioneer, or auction firm."

5 Section 59.(b) G.S. 85B-3.2(d) reads as rewritten:

6 "(d) If the applicant's verified criminal history record check reveals one or more
7 convictions of a crime that is punishable as a felony offense, or the conviction of any
8 crime involving fraud or moral turpitude, the Commission may deny the applicant's
9 license. However, the conviction shall not automatically prohibit licensure, and the
10 following factors shall be considered by the Commission in determining whether
11 licensure shall be denied:

- 12 (1) The level and seriousness of the crime.
13 (2) The date of the crime.
14 (3) The age of the person at the time of the crime.
15 (4) The circumstances surrounding the commission of the crime, if
16 known.
17 (5) The nexus between the criminal conduct of the applicant and the
18 applicant's duties as an ~~auctioneer~~ auctioneer, apprentice
19 auctioneer, or auction firm.
20 (6) The prison, jail, probation, parole, rehabilitation, and employment
21 records of the applicant since the date the crime was committed.
22 (7) The subsequent commission by the person of a crime."

23 Section 59.(c) The catch line for G.S. 114-19.8 reads as rewritten:

24 "**§ 114-19.8. Criminal record checks of applicants for ~~auctioneer~~ auctioneer,**
25 **apprentice auctioneer, or auction firm license."**

26 Section 59.(d) This section becomes effective October 1, 2000, and
27 applies to applications for licensure for auctioneers, apprentice auctioneers, and
28 auction firms filed on or after that date.

29 Section 60. G.S. 90-178.3 reads as rewritten:

30 "**§ 90-178.3. Regulation of midwifery.**

31 (a) No person shall practice or offer to practice or hold oneself out to practice
32 midwifery unless approved pursuant to this Article.

33 (b) A person approved pursuant to this Article may practice midwifery in a
34 hospital or non-hospital setting and shall practice under the supervision of a
35 physician licensed to practice medicine who is actively engaged in the practice of
36 obstetrics. A registered nurse approved pursuant to this Article is authorized to write
37 prescriptions for drugs in accordance with the same conditions applicable to a nurse
38 practitioner under G.S. 90-18.2(b).

39 (c) Graduate nurse midwife applicant status may be granted by the joint
40 subcommittee in accordance with G.S. 90-178.4."

41 Section 61. The catch line of G.S. 105-40 reads as rewritten:

42 "**§ 105-40. Amusements -- Certain exhibitions, performances, and entertainments**
43 **exempt from license tax."**

44 Section 62. G.S. 105-116(d) reads as rewritten:

1 "(d) Distribution. -- Part of the taxes imposed by this section on electric power
2 ~~companies, natural gas companies, and regional natural gas districts~~ companies is
3 distributed to cities under G.S. 105-116.1."

4 Section 63.(a) G.S. 105-129.17(b) reads as rewritten:

5 "(b) Cap. -- ~~A total~~ The credits allowed in this Article may not exceed fifty
6 percent (50%) of the tax against which they are claimed for the taxable year, reduced
7 by the sum of all other credits allowed against that tax, except tax payments made by
8 or on behalf of the taxpayer. This limitation applies to the cumulative amount of
9 credit, including carryforwards, claimed by the taxpayer under this Article against
10 each tax for the taxable year. Any unused portion of the credits may be carried
11 forward for the succeeding five years."

12 Section 63.(b) G.S. 105-129.18 reads as rewritten:

13 "**§ 105-129.18. Substantiation.**

14 To claim a ~~credits~~ credit allowed by this Article, the taxpayer must provide any
15 information required by the Secretary of Revenue. Every taxpayer claiming a credit
16 under this Article must maintain and make available for inspection by the Secretary
17 of Revenue any records the Secretary considers necessary to determine and verify the
18 amount of the credit to which the taxpayer is entitled. The burden of proving
19 eligibility for a credit and the amount of the credit rests upon the taxpayer, and no
20 credit may be allowed to a taxpayer that fails to maintain adequate records or to
21 make them available for inspection."

22 Section 63.(c) G.S. 105-129.19 reads as rewritten:

23 "**§ 105-129.19. Reports.**

24 The Department of Revenue shall report to the Legislative Research Commission
25 and to the Fiscal Research Division of the General Assembly by May 1 of each year
26 the following information for the 12-month period ending the preceding April 1:

27 (1) The number of taxpayers that claimed the credits allowed in this
28 Article.

29 (2) The cost of business property and renewable energy property with
30 respect to which ~~business property~~ credits were claimed.

31 (2a) The location of each qualified North Carolina low-income building
32 with respect to which a low-income housing credit was claimed.

33 (3) The total cost to the General Fund of the credits claimed."

34 Section 64.(a) G.S. 105-130.15(a) reads as rewritten:

35 "(a) The net income of a corporation shall be computed in accordance with the
36 method of accounting it regularly employed employs in keeping ~~the books of such~~
37 ~~corporation, but such method of accounting must~~ its books. The method must be
38 consistent with respect to both income and ~~deductions, but if in any case such~~
39 deductions. If this method does not clearly reflect the income, the computation shall
40 be made in accordance with ~~such method as in the opinion of the Secretary of~~
41 Revenue a method that, in the Secretary's opinion, does clearly reflect the income,
42 but shall follow as nearly as practicable the federal practice, unless contrary to the
43 context and intent of this Part.

1 The Secretary may ~~in his discretion~~ adopt the rules and regulations and any
2 guidelines administered or established by the Internal Revenue Service unless
3 contrary to any provisions of this Part."

4 Section 64.(b) G.S. 105-130.17(a) reads as rewritten:

5 "(a) Returns must be filed as prescribed by the Secretary at the place prescribed
6 by the Secretary. Returns must be in the form prescribed by the Secretary. The
7 Secretary shall furnish forms in accordance with G.S. 105-254, shall be in such form
8 ~~as the Secretary of Revenue may from time to time prescribe, and shall be filed with~~
9 ~~the Secretary at his office, or at any branch office which he may establish. The~~
10 ~~Secretary shall cause to be prepared blank forms for the said returns, and shall cause~~
11 ~~them to be distributed throughout the State, and shall furnish them upon request; but~~
12 ~~failure to receive or secure the form shall not relieve any corporation from the~~
13 ~~obligation of making any return herein required."~~

14 Section 64.(c) G.S. 105-130.18 reads as rewritten:

15 "**§ 105-130.18. Failure to file returns; supplementary returns.**

16 If the Secretary ~~of Revenue shall be of the opinion that any~~ determines that a
17 corporation has failed to file a return or to include in a return filed, either
18 intentionally or through error, items of taxable ~~income he may require of such~~
19 income, the Secretary may require from the corporation a return or supplementary
20 return, under affirmation, ~~in such form as he shall prescribe; of all the items of~~
21 income ~~which~~ that the corporation received during the year for which the return is
22 made, whether or not taxable under this Part. If from a supplementary return or
23 otherwise the Secretary finds that any items of income, taxable under this Part, have
24 been omitted from the original return, ~~or that~~ any items returned as taxable ~~that~~ are
25 not taxable, or that any item of taxable income is overstated or understated, ~~he may~~
26 ~~require any such item to be disclosed to him~~ the Secretary may require that the item
27 be disclosed under affirmation of the corporation, and ~~to~~ be added to or deducted
28 from the original return. ~~Such~~ The filing of a supplementary return and the
29 correction of the original return ~~shall~~ does not relieve the corporation from any of
30 the penalties ~~to which it may be liable under the provisions of~~ under G.S. 105-236.
31 The Secretary may proceed under the provisions of G.S. 105-241.1, whether or not
32 the Secretary ~~he~~ requires a return or a supplementary return under this section."

33 Section 65. G.S. 105-134.6(b) is amended by adding a new subdivision to
34 read:

35 "(b) Deductions. -- The following deductions from taxable income shall be made
36 in calculating North Carolina taxable income, to the extent each item is included in
37 taxable income:

38 . . .

39 (5b) The amount received during the taxable year from one or more
40 State, local, or federal government retirement plans to the extent
41 the amount is exempt from tax under this Part pursuant to a court
42 order in settlement of the following cases: Bailey v. State, 92 CVS
43 10221, 94 CVS 6904, 95 CVS 6625, 95 CVS 8230; Emory v. State,
44 98 CVS 0738; and Patton v. State, 95 CVS 04346. Amounts

1 deducted under this subdivision may not also be deducted under
2 subdivision (6) of this subsection."

3 Section 66. G.S. 105-163.44 is repealed.

4 Section 67.(a) G.S. 105-164.4(c) reads as rewritten:

5 "(c) Certificate of Registration. -- Before a person may engage in business as a
6 ~~Before a person may engage in business as a~~ retailer or a wholesale merchant, the
7 person must obtain a certificate of registration from the Department. ~~To obtain a~~
8 ~~certificate of registration, a person must register with the Department.~~

9 ~~A certificate of registration is valid unless it is revoked for failure to comply with~~
10 ~~the provisions of this Article or becomes void. A certificate issued to a retailer who~~
11 ~~makes taxable sales becomes void if, for a period of 18 months, the retailer files no~~
12 ~~returns or files returns showing no sales. Department in accordance with G.S. 105-~~
13 164.29."

14 Section 67.(b) G.S. 105-164.29 reads as rewritten:

15 "§ 105-164.29. Application for licenses certificate of registration by wholesale
16 merchants and retailers.

17 (a) Application. -- ~~Every application for a license by a wholesale merchant or~~
18 ~~retailer shall be made upon a form prescribed by the Secretary and shall set forth all~~
19 ~~information the Secretary may require. To obtain a certificate of registration, a~~
20 person must register with the Department. A wholesale merchant or retailer who has
21 more than one business is required to obtain only one certificate of registration to
22 cover all operations of the business throughout the State. An application for
23 registration must ~~The application shall be signed as follows:~~

- 24 (1) By the owner, if the owner is an individual.
25 (2) By a manager, member, or partner, if the owner is an association, a
26 partnership, or a limited liability company.
27 (3) By an executive officer or some other person specifically
28 authorized by the corporation to sign the application, if the owner
29 is a corporation. If the application is signed by a person authorized
30 to do so by the corporation, written evidence of the person's
31 authority must be attached to the application.

32 ~~A wholesale merchant or retailer whose business extends into more than one~~
33 ~~county is required to secure only one license to cover all operations of the business~~
34 ~~throughout the State.~~

35 (b) Issuance. -- ~~When the required application has been made the Secretary shall~~
36 ~~issue a license to the applicant. A license~~ A certificate of registration is not assignable
37 and is valid only for the person in whose name it is issued and for the transaction of
38 business at the place designated in the license. The license holder shall display the
39 license conspicuously at all times at the place for which it was issued. issued. A copy
40 of the certificate of registration must be displayed at each place of business.

41 (c) Reissuance.-- Term. --A certificate of registration is valid unless it is revoked
42 for failure to comply with the provisions of this Article or becomes void. A certificate
43 issued to a retailer who makes taxable sales becomes void if, for a period of 18
44 months, the retailer files no returns or files returns showing no sales. A person whose

1 ~~license has been previously suspended or revoked shall pay the Secretary fifteen~~
2 ~~dollars (\$15.00) for the reissuance of the license. A wholesale merchant whose annual~~
3 ~~license has been previously suspended or revoked shall pay the Secretary twenty five~~
4 ~~dollars (\$25.00) for the reissuance of the license for the remainder of the license year.~~

5 (d) Revocation. -- Whenever a ~~license holder~~ wholesale merchant or retailer fails
6 to comply with this Article or violates G.S. 14-401.18, the Secretary, upon hearing,
7 after giving ~~the license holder~~ 10 days' notice in writing, specifying the time and
8 place of hearing and requiring the ~~license holder~~ wholesale merchant or retailer to
9 show cause why the ~~license~~ certificate of registration should not be revoked, may
10 revoke or suspend the ~~license~~ certificate of registration. The notice may be served
11 personally or by registered mail directed to the last known address of the ~~license~~
12 ~~holder~~ wholesale merchant or retailer. All provisions with respect to review and
13 appeals of the Secretary's decisions as provided by G.S. 105-241.2, 105-241.3, and
14 105-241.4 apply to this section.

15 ~~Any wholesale merchant or retailer who engages in business as a seller in this State~~
16 ~~without a license or after the license has been suspended or revoked, and each officer~~
17 ~~of any corporation that so engages in business shall be guilty of a Class 3~~
18 ~~misdemeanor and only subject to a fine of up to five hundred dollars (\$500.00) for~~
19 ~~each offense."~~

20 Section 67.(c) G.S. 105-164.38 reads as rewritten:

21 "**§ 105-164.38. Tax ~~shall be~~ is a lien.**

22 (a) The tax imposed by this Article ~~shall be~~ is a lien upon all personal property of
23 any person who is required by this Article to obtain a ~~license~~ certificate of
24 registration to engage in business and who stops engaging in the business by
25 transferring the business, transferring the stock of goods of the business, or going out
26 of business. A person who stops engaging in business ~~shall~~ must file the return
27 required by this Article within 30 days after transferring the business, transferring the
28 stock of goods of the business, or going out of business.

29 (b) Any person to whom the business or the stock of goods was transferred ~~shall~~
30 must withhold from the consideration paid for the business or stock of goods an
31 amount sufficient to cover the taxes due until the person selling the business or stock
32 of goods produces a statement from the Secretary showing that the taxes have been
33 paid or that no taxes are due. If the person who buys a business or stock of goods
34 fails to withhold an amount sufficient to cover the taxes and the taxes remain unpaid
35 after the 30-day period allowed, the buyer is personally liable for the unpaid taxes to
36 the extent of the greater of the following:

37 (1) The consideration paid by the buyer for the business or the stock
38 of goods.

39 (2) The fair market value of the business or the stock of goods.

40 (c) The period of limitations for assessing liability against the buyer of a business
41 or the stock of goods of a business and for enforcing the lien against the property
42 ~~shall expire~~ expires one year after the end of the period of limitations for assessment
43 against the person who sold the business or the stock of goods. Except as otherwise
44 provided in this section, a person who buys a business or the stock of goods of a

1 business and that person's liability for unpaid taxes are subject to the provisions of
2 G.S. 105-241.1, 105-241.2, 105-241.3, and 105-241.4 and to other remedies for the
3 collection of taxes to the same extent as if the person had incurred the original tax
4 liability."

5 Section 68. G.S. 105-187.6(b) reads as rewritten:

6 "(b) Partial Exemptions. -- A maximum tax of forty dollars (\$40.00) applies when
7 a certificate of title is issued as the result of a transfer of a motor vehicle:

8 (1) To a secured party who has a perfected security interest in the
9 motor vehicle.

10 (2) To a partnership, limited liability company, or corporation as an
11 incident to the formation of the partnership, limited liability
12 company, or corporation, and no gain or loss arises on the transfer
13 of the motor vehicle under section 351 or section 721 of the
14 ~~Internal Revenue Code as defined in G.S. 105-228.90, Code,~~ or to
15 a partnership, limited liability company, or corporation by merger,
16 conversion, or consolidation in accordance with applicable law."

17 Section 69. G.S. 105-228.90(b) is amended by adding a new subdivision
18 to read:

19 "(2) Department. -- The Department of Revenue."

20 Section 70. G.S. 105-236(10) reads as rewritten:

21 "(10) Failure to File Informational Returns. --

22 a. Repealed by Session Laws 1998-212, s. 29A.14(m).

23 b. The Secretary may request a person who fails to file timely
24 statements of payment to another person with respect to
25 wages, dividends, rents, or interest paid to that person to file
26 the statements by a certain date. If the payer fails to file the
27 statements by that date, the amounts claimed on the payer's
28 income tax return as deductions for salaries and wages, or
29 rents or interest shall be disallowed to the extent that the
30 payer failed to comply with the Secretary's request with
31 respect to the statements.

32 c. For failure to file an informational return required by
33 Article 36C or 36D of this Chapter by the date the return is
34 due, there shall be assessed a penalty of fifty dollars
35 (\$50.00)."

36 Section 71. G.S. 105-275(40) reads as rewritten:

37 "(40) Computer software and any documentation related to the
38 computer software. As used in this subdivision, the term "computer
39 software" means any program or routine used to cause a computer
40 to perform a specific task or set of tasks. The term includes system
41 and application programs and database storage and management
42 programs.

1 The exclusion established by this subdivision does not apply to
2 computer software and its related documentation if the computer
3 software meets one or more of the following descriptions:

- 4 a. It is embedded software. "Embedded software" means
5 computer instructions, known as microcode, that reside
6 permanently in the internal memory of a computer system
7 or other equipment and are not intended to be removed
8 without terminating the operation of the computer system or
9 equipment and removing a computer chip, a circuit, or
10 another mechanical device.
- 11 b. It is purchased or licensed from a person who is unrelated to
12 the taxpayer and it is capitalized on the books of the
13 taxpayer in accordance with generally accepted accounting
14 principles, including financial accounting standards issued
15 by the Financial Accounting Standards Board. A person is
16 unrelated to a taxpayer if (i) the taxpayer and the person are
17 not subject to any common ownership, either directly or
18 indirectly, and (ii) neither the taxpayer nor the person has
19 any ownership interest, either directly or indirectly, in the
20 other.

21 ~~This~~

22 This subdivision does not affect the value or taxable status
23 of any property that is otherwise subject to taxation under
24 this Subchapter.

25 The provisions of the exclusion established by this
26 subdivision are not severable. If any provision of this
27 subdivision or its application is held invalid, the entire
28 subdivision is repealed."

29 Section 72.(a) G.S. 105-275(41), as amended by Section 1 of S.L. 2000-2,
30 reads as rewritten:

31 "~~(41)~~ (42) A vehicle that is offered at retail for short-term lease or
32 rental and is owned or leased by an entity engaged in the
33 business of leasing or renting vehicles to the general public
34 for short-term lease or rental. For the purposes of this
35 subdivision, the term 'short-term lease or rental' shall have
36 the same meaning as in ~~G.S. 105-187.1~~ G.S. 105-187.1, and
37 the term 'vehicle' shall have the same meaning as in G.S.
38 153A-156(e) and G.S. 160A-215.1(e). A gross receipts tax as
39 set forth by G.S. 153A-156 and G.S. 160A-215.1 is
40 substituted for and replaces the ad valorem tax previously
41 levied on these vehicles."

42 Section 72.(b) G.S. 105-282.1(a) reads as rewritten:

43 "(a) Every owner of property claiming exemption or exclusion from property
44 taxes under the provisions of this Subchapter has the burden of establishing that the

1 property is entitled thereto. Except as provided below, an owner claiming exemption
2 or exclusion shall annually file an application for exemption or exclusion during the
3 listing period. If the property for which the exemption or exclusion is claimed is
4 appraised by the Department of Revenue, the application shall be filed with the
5 Department. Otherwise, the application shall be filed with the assessor of the county
6 in which the property is situated. An application must contain a complete and
7 accurate statement of the facts that entitle the property to the exemption or exclusion
8 and must indicate the municipality, if any, in which the property is located. Each
9 application filed with the Department of Revenue or an assessor shall be submitted
10 on a form approved by the Department. Application forms shall be made available by
11 the assessor and the Department, as appropriate.

- 12 (1) The United States government, the State of North Carolina and the
13 counties and municipalities of the State are exempted from the
14 requirement that owners file applications for exemption.
- 15 (2) Owners of the special classes of property excluded from taxation
16 under G.S. 105-275(5), (15), (16), (26), (31), (32a), (33), (34), ~~or~~
17 (40), or (42) or exempted under G.S. 105-278.2 are not required to
18 file applications for the exclusion or exemption of that property.
- 19 (3) After an owner of property entitled to exemption under G.S. 105-
20 278.3, 105-278.4, 105-278.5, 105-278.6, 105-278.7, or 105-278.8 or
21 exclusion under G.S. 105-275(3), (7), (8), (12), (17) through (19),
22 (21) or (39), G.S. 105-277.1, or G.S. 105-278 has applied for
23 exemption or exclusion and the exemption or exclusion has been
24 approved, the owner is not required to file an application in
25 subsequent years except in the following circumstances:
 - 26 a. New or additional property is acquired or improvements are
27 added or removed, necessitating a change in the valuation of
28 the property; or
 - 29 b. There is a change in the use of the property or the
30 qualifications or eligibility of the taxpayer necessitating a
31 review of the exemption or exclusion.
- 32 (4) After an owner of property entitled to exclusion under G.S. 105-
33 277.10 has applied for the exclusion and the exclusion has been
34 approved, the owner is not required to apply for the exclusion in
35 subsequent years so long as the classified property, including
36 classified property acquired after the application is approved, is
37 used or held for use directly in manufacturing or processing as part
38 of industrial machinery.
- 39 (5) Upon a showing of good cause by the applicant for failure to make
40 a timely application, an application for exemption or exclusion
41 filed after the close of the listing period may be approved by the
42 Department of Revenue, the board of equalization and review, the
43 board of county commissioners, or the governing body of a
44 municipality, as appropriate. An untimely application for

1 exemption or exclusion approved under this subdivision applies
2 only to property taxes levied by the county or municipality in the
3 calendar year in which the untimely application is filed."

4 Section 73. Effective January 1, 2001, G.S. 105-369(b1) reads as
5 rewritten:

6 "(b1) Notice to Owner. -- After the governing body orders the tax collector to
7 advertise the tax liens, the tax collector must send a notice to the listing owner and to
8 the record owner of each affected parcel of property, as determined as of December
9 31 of the fiscal year for which the taxes are due. The notice must be sent to each
10 owner's last known address by first-class mail at least 30 days before the date the
11 advertisement is to be published. The notice must state the principal amount of
12 unpaid taxes that are a lien on the parcel to be advertised and inform the owner that
13 the names of the listing owner and the record owner ~~listing owner that his or her~~
14 ~~name~~ will appear in a newspaper advertisement of delinquent taxes if the taxes are
15 not paid before the publication date. Failure to mail the notice required by this
16 section to the correct listing owner or record owner does not affect the validity of the
17 tax lien or of any foreclosure action."

18 Section 74. G.S. 105-449.37(a)(1a) reads as rewritten:

19 "(1a) Motor vehicle. -- A motor vehicle as defined in G.S. ~~105-164.3(8e);~~
20 105-164.3 other than special mobile equipment as defined in G.S.
21 ~~105-164.3(16b);~~ 105-164.3."

22 Section 75.(a) G.S. 105-330.1(b) reads as rewritten:

23 "(b) Exceptions. -- The following motor vehicles are not classified under
24 subsection (a) of this section:

- 25 (1) Motor vehicles exempt from registration pursuant to G.S. 20-51.
- 26 (2) Manufactured homes, mobile classrooms, and mobile offices.
- 27 (3) Semitrailers or trailers registered on a multiyear basis.
- 28 (4) Motor vehicles owned or leased by a public service company and
29 appraised under G.S. 105-335.
- 30 ~~(5) "U drive it" passenger vehicles registered under G.S. 20-87(2)."~~

31 Section 75.(b) G.S. 153A-156, as enacted by Section 2 of S.L. 2000-2,
32 reads as rewritten:

33 "**§ 153A-156. Gross receipts tax on short-term leases or rentals.**

34 (a) As a substitute for and in replacement of the ad valorem tax, which is excluded
35 by G.S. ~~105-275(41);~~ 105-275(42), a county may levy a gross receipts tax on the gross
36 receipts from the short-term lease or rental of vehicles at retail to the general public.
37 The tax rate shall not exceed one and one-half percent (1.5%) of the gross receipts
38 from such short-term leases or rentals.

39 (b) If a county enacts the substitute and replacement gross receipts tax pursuant to
40 this section, any entity required to collect the tax shall include a provision in each
41 retail short-term lease or rental agreement noting that the percentage amount enacted
42 by the county of the total lease or rental price, excluding ~~sales~~ highway use tax, is
43 being charged as a tax on gross receipts. For purposes of this section, the transaction
44 giving rise to the tax shall be deemed to have occurred at the location of the entity

1 from which the customer takes delivery of the vehicle. The tax shall be collected at
2 the time of lease or rental and placed in a segregated account until remitted to the
3 county.

4 (c) The collection and use of taxes under this section are not subject to ~~sales~~
5 highway use tax and are not included in the gross receipts of the entity. The
6 proceeds collected under this section belong to the county and are not subject to
7 creditor liens against the entity.

8 (d) A tax levied under this section shall be collected by the county but otherwise
9 administered in the same manner as the tax levied under G.S. 105-164.4(a)(2).

10 (e) The following definitions apply in this section:

11 (1) Vehicle. -- Any of the following:

- 12 a. A motor vehicle of the ~~private~~ passenger type, including a
13 passenger van, minivan, or sport utility vehicle.
14 b. A motor vehicle of the cargo type, including cargo van,
15 pickup truck, or truck with a gross vehicle weight of 26,000
16 pounds or less used predominantly in the transportation of
17 property for other than commercial freight and that does not
18 require the operator to possess a commercial drivers license.
19 c. A trailer or semitrailer with a gross vehicle weight of 6,000
20 pounds or less.

21 (2) Short-term lease or rental. -- Defined in G.S. 105-187.1(4).

22 (f) The penalties and remedies that apply to local sales and use taxes levied under
23 Subchapter VIII of ~~this~~ Chapter 105 of the General Statutes apply to a tax levied
24 under this section. The county board of commissioners may exercise any power the
25 Secretary of Revenue may exercise in collecting local sales and use taxes."

26 Section 75.(c) G.S. 160A-215.1, as enacted by Section 3 of S.L. 2000-2,
27 reads as rewritten:

28 "**§ 160A-215.1. Gross receipts tax on short-term leases or rentals.**

29 (a) As a substitute for and in replacement of the ad valorem tax, which is excluded
30 by G.S. ~~105-275(41)~~, 105-275(42), a city may levy a gross receipts tax on the gross
31 receipts from the short-term lease or rental of vehicles at retail to the general public.
32 The tax rate shall not exceed one and one-half percent (1.5%) of the gross receipts
33 from such short-term leases or rentals. This tax on gross receipts is in addition to the
34 privilege taxes authorized by G.S. 160A-211.

35 (b) If a city enacts the substitute and replacement gross receipts tax pursuant to
36 this section, any entity required to collect the tax shall include a provision in each
37 retail short-term lease or rental agreement noting that the percentage amount enacted
38 by the city of the total lease or rental price, excluding ~~sales~~ highway use tax, is being
39 charged as a tax on gross receipts. For purposes of this section, the transaction giving
40 rise to the tax shall be deemed to have occurred at the location of the entity from
41 which the customer takes delivery of the vehicle. The tax shall be collected at the
42 time of lease or rental and placed in a segregated account until remitted to the city.

43 (c) The collection and use of taxes under this section are not subject to ~~sales~~
44 highway use tax and are not included in the gross receipts of the entity. The

1 proceeds collected under this section belong to the city and are not subject to
2 creditor liens against the entity.

3 (d) A tax levied under this section shall be collected by the city but otherwise
4 administered in the same manner as the tax levied under G.S. 105-164.4(a)(2).

5 (e) The following definitions apply in this section:

6 (1) Vehicle. -- Any of the following:

7 a. A motor vehicle of the ~~private~~ passenger type, including a
8 passenger van, minivan, or sport utility vehicle.

9 b. A motor vehicle of the cargo type, including cargo van,
10 pickup truck, or truck with a gross vehicle weight of 26,000
11 pounds or less used predominantly in the transportation of
12 property for other than commercial freight and that does not
13 require the operator to possess a commercial drivers license.

14 c. A trailer or semitrailer with a gross vehicle weight of 6,000
15 pounds or less.

16 (2) Short-term lease or rental. -- Defined in G.S. 105-187.1.

17 (f) The penalties and remedies that apply to local sales and use taxes levied under
18 Subchapter VIII of ~~this~~ Chapter 105 of the General Statutes apply to a tax levied
19 under this section. The governing body of the city may exercise any power the
20 Secretary of Revenue may exercise in collecting local sales and use taxes."

21 Section 75.(d) This section becomes effective July 1, 2000.

22 Section 76.(a) G.S. 113B-2 reads as rewritten:

23 "**§ 113B-2. Creation of Energy Policy Council; purpose of Council.**

24 (a) There is hereby created a council to advise and make recommendations on
25 energy policy to the Governor and the General Assembly to be known as the Energy
26 Policy Council which shall be located within the Department of ~~Commerce~~
27 Administration.

28 (b) Except as otherwise provided in this Chapter, the powers, duties and functions
29 of the Energy Policy Council shall be as prescribed by the Secretary of ~~Commerce~~
30 Administration.

31 (c) The Energy Policy Council shall serve as the central energy policy planning
32 body of the State and shall communicate and cooperate with federal, State, regional
33 and local bodies and agencies to the end of effecting a coordinated energy policy."

34 Section 76.(b) G.S. 113B-6 reads as rewritten:

35 "**§ 113B-6. General duties and responsibilities.**

36 The Energy Policy Council shall have the following general duties and
37 responsibilities:

38 (1) To develop and recommend to the Governor a comprehensive
39 long- range State energy policy to achieve maximum effective
40 management and use of present and future sources of energy, such
41 policy to include but not be limited to an energy ~~conservation~~
42 plan; efficiency program, an energy management plan, an
43 emergency energy program, and an energy research and
44 development program;

- 1 (2) To conduct an ongoing assessment of the opportunities and
2 constraints presented by various uses of all forms of energy and to
3 encourage the efficient use of all such energy forms in a manner
4 consistent with State energy policy;
- 5 (3) To continually review and coordinate all State government
6 research, education and management programs relating to energy
7 matters and to continually educate and inform the general public
8 regarding such energy matters;
- 9 (4) To recommend to the Governor and to the General Assembly
10 needed energy legislation and to recommend for implementation
11 such modifications of energy policy, plans and programs as the
12 Council considers necessary and desirable."

13 Section 76.(c) G.S. 113B-7 reads as rewritten:

14 **"§ 113B-7. Energy ~~Conservation Plan~~; Efficiency Program; components.**

15 (a) The Energy Policy Council shall prepare a recommended Energy ~~Conservation~~
16 ~~Plan~~ Efficiency Program for transmittal to the Governor, the initial plan to be
17 completed by January 30, 1976.

18 (b) The Energy ~~Conservation Plan~~ Efficiency Program shall be designed to assure
19 the public health and safety of the people of North Carolina and to encourage and
20 promote conservation of energy through reducing wasteful, inefficient or
21 uneconomical uses of energy resources.

22 (c) The Energy ~~Conservation Plan~~ Efficiency Program shall include but not be
23 limited to the following recommendations:

- 24 (1) Recommendations to the Building Code Council for lighting,
25 insulation, climate control systems and other building design and
26 construction standards which increase the efficient use of energy
27 and are economically feasible to implement;
- 28 (2) Recommendations to the Building Code Council for per unit
29 energy requirement allotments based upon square footage for
30 various classes of buildings which would reduce energy
31 consumption, yet are both technically and economically feasible
32 and not injurious to public health and safety;
- 33 (3) Recommendations for minimum levels of operating efficiency for
34 all appliances whose use requires a significant amount of energy
35 based upon both technical and economic feasibility considerations;
- 36 (4) Recommendations for State government purchases of supplies,
37 vehicles and equipment and such operating practices as will make
38 possible more efficient use of energy;
- 39 (5) Recommendations on energy conservation policies, programs and
40 procedures for local units of government;
- 41 (6) Any other recommendations which the Energy Policy Council
42 considers to be a significant part of a statewide conservation effort
43 and which include provisions for sufficient incentives to further
44 energy conservation;

1 (7) An economic and environmental impact analysis of the
2 recommended ~~plan~~ program.

3 (d) In addition to specific conservation recommendations, the Energy ~~Conservation~~
4 ~~Plan~~ Efficiency Program shall contain proposals for implementation of such
5 recommendations as can be carried out by executive order. Upon completion of a
6 draft recommended ~~plan~~ program, the Council shall arrange for its distribution to
7 interested parties and shall make ~~such plan~~ the program available to the public and
8 the Council further shall set a date for public hearing on said ~~plan~~ program.

9 (e) Upon completion of the Energy ~~Conservation Plan~~ Efficiency Program, the
10 Council shall transmit said ~~plan~~ program to be known as the State Energy
11 ~~Conservation Plan~~ Efficiency Program, to the Governor for approval or disapproval.
12 Upon approval, the Governor shall assign administrative responsibility for such
13 implementation as can be carried out by executive order to appropriate agencies of
14 State government, and submit to the General Assembly such proposals which require
15 legislative action for implementation. The Governor shall have the authority to
16 accept, administer, and enforce federal programs, program measures and permissive
17 delegations of authority delegated to the Governor by the President of the United
18 States, Congress, or the United States Department of Energy, on behalf of the State of
19 North Carolina, which pertain to the conservation of energy resources.

20 (f) The Governor shall transmit the approved Energy ~~Conservation Plan~~ Efficiency
21 Program to the President of the Senate, to the Speaker of the House of
22 Representatives, to the heads of all State agencies and shall further seek to publicize
23 such plan and make it available to all units of local government and to the public at
24 large.

25 (g) At least every two years and whenever such changes take place as would
26 significantly affect energy supply or demand in North Carolina, the Energy Policy
27 Council shall review and, if necessary, revise the Energy ~~Conservation Plan~~,
28 Efficiency Program, transmitting such revised plan to the Governor pursuant to the
29 procedures contained in subsections (e) and (f) of this section."

30 Section 76.(d) G.S. 113B-11 reads as rewritten:

31 "**§ 113B-11. Powers and authority.**

32 (a) The Energy Policy Council is authorized to secure directly from any officer,
33 office, department, commission, board, bureau, institution and other agency of the
34 State and its political subdivisions any information it deems necessary to carry out its
35 functions; and all such officers and agencies shall cooperate with the Council and, to
36 the extent permitted by law, furnish such information to the Council as it may
37 request.

38 (b) To assure the adequate development of relevant energy information, as
39 provided in G.S. 113B-10, the Council may require all energy producers and major
40 energy consumers, as determined by the Council, to file such reports and forecasts
41 and at such dates as the Council may request; provided, however, that the Council
42 may request only specific energy-related information which it deems necessary to
43 carry out its duties as defined in Articles 1 and 2 of this Chapter.

1 (c) The Council shall have authority to apply for and utilize grants, contributions
2 and appropriations in order to carry out its duties as defined in Articles 1 and 2 of
3 this Chapter, provided, however, that all such applications and requests are made
4 through and administered by the Department of ~~Commerce~~ Administration.

5 (d) The Council shall have authority to request said Department to allocate and
6 dispense any funds made available to the Council for energy research and related
7 work efforts in such a manner as the Council desires subject only to the stipulation
8 that said funds be reasonably used in furtherance of the purposes of this Article.

9 (e) The Energy Division of the Department of ~~Commerce~~ Administration shall
10 provide the staffing capability to the Energy Policy Council so as to fully and
11 effectively develop recommendations for a comprehensive State energy policy as
12 contained in the provisions of this Article. The Utilities Commission is hereby
13 authorized to make its staff available to the Council to assist in the development of a
14 State energy policy."

15 Section 76.(e) G.S. 114-4.2D reads as rewritten:

16 "**§ 114-4.2D. Employment of attorney for Energy Division of Department of**
17 **~~Commerce~~ Administration.**

18 The Attorney General shall assign an attorney on his staff to work full time with
19 the Energy Division of the Department of ~~Commerce~~ Administration. Such attorney
20 shall be subject to all provisions of Chapter 126 of the General Statutes relating to
21 the State Personnel System. Such attorney shall also perform such additional duties as
22 may be assigned to him by the Attorney General."

23 Section 76.(f) G.S. 143-64.11 reads as rewritten:

24 "**§ 143-64.11. Definitions.**

25 For purposes of this Article:

26 . . .

27 (2a) "Energy Division" means the Energy Division of the Department
28 of ~~Commerce~~ Administration."

29 Section 76.(g) G.S. 143-64.12 reads as rewritten:

30 '**§ 143-64.12. Authority and duties of State agencies.**

31 (a) The General Assembly authorizes and directs that State agencies shall carry
32 out the construction and renovation of State facilities, under their jurisdiction in such
33 a manner as to further the policy declared herein, insuring that life-cycle cost
34 analyses and energy-conservation practices are considered and are employed
35 whenever feasible and practicable.

36 (b) ~~The Department of Administration, in consultation with the Energy Division,~~
37 Energy Division shall, to the extent feasible and practicable, develop and implement
38 policies, procedures, and standards to ensure that State purchasing practices improve
39 energy efficiency and take the cost of the product over the economic life of the
40 product into consideration. ~~The Department of Administration, in consultation with~~
41 ~~the Energy Division,~~ Energy Division shall adopt and implement Building Energy
42 Design Guidelines. These guidelines shall include energy-use goals and standards,
43 economic assumptions for life-cycle cost analysis, and other criteria on building
44 systems and technologies. The Department of Administration shall modify the design

1 criteria for construction and renovation of facilities to require that a life-cycle cost
2 analysis be conducted pursuant to G.S. 143-64.15. The Department of
3 Administration, as part of the Facilities Condition and Assessment Program, shall
4 identify and recommend energy conservation maintenance and operating procedures
5 that are designed to reduce energy consumption within the facility and that require
6 no significant expenditure of funds. State departments, institutions, or agencies shall
7 implement these recommendations. Where energy management equipment is
8 proposed for State facilities, the maximum interchangeability and compatibility of
9 equipment components shall be required.

10 The Energy Division shall develop a comprehensive energy management program
11 for State government. Each State agency shall develop and implement an energy
12 management plan that is consistent with the State's comprehensive energy
13 management program.

14 (c)-(g) Repealed by Session Laws 1993, c. 334, s. 4."

15 Section 76.(h) G.S. 143-341 reads as rewritten:

16 "**§ 143-341. Powers and duties of Department.**

17 The Department of Administration has the following powers and duties:

18

19 ... (11) Energy Division. -- To exercise those powers and perform those
20 duties prescribed in Article 1 of Chapter 113B and Part 1 of
21 Article 3B of Chapter 143 of the General Statutes and Parts 2 and
22 3 of this Article."

23 Section 76.(i) G.S. 143-334 through G.S. 143-345.9 are designated 'Part
24 1. General Provisions.' of Article 36 of Chapter 143 of the General Statutes.

25 Section 76.(j) Article 36 of Chapter 143 of the General Statutes, as
26 amended by subsection (a) of this section, is further amended by adding new parts to
27 read:

28

"Part 2. Energy Division.

29 "**§ 143-345.11. Energy Division.**

30 There is hereby created in the Department of Administration a division to be
31 known as the Energy Division.

32 "**§ 143-345.12. Organization.**

33 The Division shall be organized and shall have such powers, duties and functions
34 as prescribed by the Secretary of Administration.

35 "**§ 143-345.13. Reporting of stocks of coal and petroleum fuels.**

36 The Energy Division may, with the prior express approval of the Energy Policy
37 Council and the Governor, require that all coal and petroleum suppliers in North
38 Carolina supplying coal, motor gasoline, middle distillates, residual oils and propane
39 for resale within the State file with the Energy Division, on forms prepared by the
40 Energy Division, accurate reports as to the stocks of coal and petroleum products and
41 storage capacities maintained by the supplier, including the supplier's current
42 inventory and stock of coal, motor gasoline, middle distillates, residual oils and
43 propane, the expected time such supplies will last under ordinary distribution
44 demand and the schedule for receiving additional or replacement stocks. The reports

1 and the information contained therein shall be proprietary information available only
2 to regular employees of the Energy Division, except that aggregate tables or schedules
3 consolidating information from the reports may be released if they do not reveal
4 individual report data for any named supplier. It is further the intent of this section
5 that no information shall be required from coal and petroleum suppliers, that is, at
6 the time the reports are requested, already on file with any agency, commission, or
7 department of State government.

8 It is the intent of this section that the reports be filed only at such times as the
9 Energy Policy Council and the Governor determine that an energy crisis as defined in
10 G.S. 113B-20 exists or may be imminent.

11 If any petroleum or coal supplier fails to file the accurate reports as may be
12 required by this section for more than 10 days after the date on which any such
13 report is due, the Secretary of Administration is authorized and empowered to
14 petition the district court, Division of the General Court of Justice, in the county in
15 which the principal office or place of business of the supplier is located for a
16 mandatory injunction compelling the supplier to file the report.

17 **"§ 143-345.14. Authority to collect data; administration and enforcement;**
18 **confidentiality.**

19 (a) The Energy Division shall have the authority to obtain from prime suppliers of
20 petroleum products specific petroleum supply data concerning State-level sales and
21 projected sales by month for North Carolina that is currently reported on the federal
22 Form EIA-782C, "Monthly Report of Petroleum Products Sold in States for
23 Consumption" or its successor, at such time that these data requirements are not
24 being met through any federal reporting procedure. The petroleum products subject
25 to this reporting requirement are: finished gasoline (all grades), #1 distillate,
26 kerosene, #2 fuel oil, #2 diesel fuel, aviation gasoline (finished), kerosene-type jet
27 fuel, naphtha-type jet fuel, #4 fuel, residual fuel oil (less than or equal to one
28 percent sulfur), residual fuel oil (greater than one percent sulfur), propane (consumer
29 grade). The authority to collect energy data from suppliers of petroleum products
30 into North Carolina, that is granted to the Energy Division in this section, shall be
31 limited to the petroleum volume data that is reported on the Form EIA-782C or its
32 successor.

33 (b) "Prime suppliers" shall be defined as those suppliers which make the first sale
34 of the named product into North Carolina, excluding jobbers, distributors, and retail
35 dealers.

36 (c) The Energy Division shall adopt rules and regulations for the administration of
37 this data collection program and the Attorney General and the law enforcement
38 authorities of the State and its political subdivisions shall enforce the provisions of
39 this section and all orders, rules, and regulations promulgated thereunder. Any
40 enforcement action may be brought upon the relation of the Energy Division or the
41 direction of the Attorney General.

42 (d) Any person or corporation who willfully refuses to provide the petroleum
43 supply data in accordance with the conditions described herein, or who knowingly or

1 willfully submits false information in any reports required herein or refuses to file any
2 reports shall be guilty of a Class 1 misdemeanor.

3 (e) Any civil action brought to enforce the provisions of this section shall be
4 brought in the Superior Court of Wake County or in the superior court of the county
5 in which the acts or practices constituting a violation occurred or are occurring.

6 (f) The Energy Division shall keep confidential any individually identifiable
7 energy information to the extent necessary to comply with the confidentiality
8 requirements of the reporting agency, and any such information shall not be subject
9 to the public disclosure requirements of G.S. 132-6. 'Individually identifiable energy
10 information' shall be defined as any individual record or portion of a record or
11 aggregated data containing energy information about a person or persons obtained
12 from any source, the disclosure of which could reasonably be expected to reveal
13 information about a specific person.

14 "Part 3. Business Energy Improvement Program.

15 "§ 143-345.16. Short title.

16 This Part shall be known as the Business Energy Improvement Program.

17 "§ 143-345.17. Legislative findings and purpose.

18 The General Assembly finds and declares that it is in the best interest of the
19 citizens of North Carolina to promote and encourage energy efficiency within the
20 State's industrial and commercial base in order to conserve energy, promote
21 economic competitiveness, and expand employment in the State.

22 "§ 143-345.18. Lead agency; powers and duties.

23 (a) For the purposes of this Part, the Division of Energy of the Department of
24 Administration is designated as the lead State agency in matters pertaining to
25 industrial and commercial energy conservation.

26 (b) The Division shall have the following powers and duties with respect to this
27 Part:

28 (1) To provide industrial and commercial concerns doing business in
29 North Carolina with information and assistance in undertaking
30 energy conserving capital improvement projects to enhance
31 industrial and commercial capacity.

32 (2) To establish a revolving fund within the Division for the purpose
33 of providing secured loans in amounts not greater than five
34 hundred thousand dollars (\$500,000) per business entity to install
35 energy-efficient capital improvements within businesses located
36 within or translocating to North Carolina. In providing these loans,
37 priority shall be given to businesses already located in the State.

38 (3) To work with appropriate State and federal agencies to develop
39 and implement rules and regulations to facilitate this program.

40 (c) The annual interest rate charged for the use of the funds from the revolving
41 fund established pursuant to subdivision (b)(2) of this section shall be one-half of the
42 90-day rate for United States Treasury Bills, not to exceed five percent (5%) per
43 annum, excluding other fees required for loan application review and origination.

1 The term of any loan originated under this section may not be greater than seven
2 years.

3 (d) In accordance with the terms of the Stripper Well Settlement, administrative
4 expenses for activities under this section shall be limited to five percent (5%) of funds
5 appropriated for this purpose."

6 Section 76.(k) G.S. 143B-433 reads as rewritten:

7 "**§ 143B-433. Department of Commerce -- organization.**

8 The Department of Commerce shall be organized to include:

9 (1) The following agencies:

- 10 a. The North Carolina Alcoholic Beverage Control
- 11 Commission.
- 12 b. The North Carolina Utilities Commission.
- 13 c. The Employment Security Commission.
- 14 d. The North Carolina Industrial Commission.
- 15 e. State Banking Commission.
- 16 f. Savings and Loan Association Division.
- 17 g. The State Savings Institutions Commission.
- 18 h. Credit Union Commission.
- 19 i. The North Carolina Milk Commission.
- 20 j. The North Carolina Mutual Burial Association Commission.
- 21 k. North Carolina Cemetery Commission.
- 22 l. The North Carolina Rural Electrification Authority.
- 23 m. Repealed by Session Laws 1985, c. 757, s. 179(d).
- 24 n. North Carolina Science and Technology Research Center.
- 25 o. The North Carolina State Ports Authority.
- 26 p. North Carolina National Park, Parkway and Forests
- 27 Development Council.
- 28 q. Economic Development Board.
- 29 r. Labor Force Development Council.
- 30 s. ~~Energy Policy Council.~~
- 31 t. ~~Energy Division.~~
- 32 u. Navigation and Pilotage Commissions established by
- 33 Chapter 76 of the General Statutes.
- 34 v. Repealed by Session Laws 1993, c. 321, s. 313b.

35 (2) Those agencies which are transferred to the Department of
36 Commerce including the:

- 37 a. Community Assistance Division.
- 38 b. Community Development Council.
- 39 c. Employment and Training Division.
- 40 d. Job Training Coordinating Council.

41 (3) Such divisions as may be established pursuant to Article 1 of this
42 Chapter."

43 Section 76.(l) Parts 8 and 14 of Article 10 of Chapter 143B of the
44 General Statutes are repealed.

1 Section 76.(m) This section become effective September 30, 2000.

2 Section 77. G.S. 115C-47(18), as amended by Section 8.18(b) of S.L.
3 2000-67, reads as rewritten:

4 "(18) To Make Rules Concerning the Conduct and Duties of
5 Personnel. -- Local boards of education, upon the
6 recommendation of the superintendent, shall have full power to
7 make all just and needful rules and regulations governing the
8 conduct of teachers, principals, and supervisors, the kind of
9 reports they shall make, and their duties in the care of school
10 property.

11 Prior to the beginning of each school year, each local board of
12 education shall identify all reports, including local school
13 required reports, that are required at the local level for the
14 school year and shall, to the maximum extent possible, eliminate
15 any duplicate or obsolete reporting requirements. No additional
16 reports shall be required at the local level after the beginning of
17 the school year without the prior approval of the local board of
18 education.

19 Each local board of education shall appoint a person or
20 establish a paperwork control committee to monitor all reports
21 and other paperwork ~~produced by or~~ required of teachers by the
22 central office."

23 Section 78. Part 3 of Article 2 of Chapter 143B of the General Statutes is
24 repealed.

25 Section 79.(a) G.S. 143B-434.1 reads as rewritten:

26 "**§ 143B-434.1. The North Carolina Travel and Tourism Board -- creation, duties,**
27 **membership.**

28 (a) There is created within the Department of Commerce the North Carolina
29 Travel and Tourism Board. The Secretary of Commerce and the Director of the
30 Division of ~~Travel and Tourism~~ Tourism, Film, and Sports Development will work
31 with the Board to fulfill the duties and requirements set forth in this section, and to
32 promote the sound development of the travel and tourism industry in North Carolina.

33 (b) The function and duties of the Board shall be:

34 (1) To advise the Secretary of Commerce in the formulation of policy
35 and priorities for the promotion and development of travel and
36 tourism in the State.

37 (2) To advise the Secretary of Commerce in the development of a
38 budget for the Division of ~~Travel and Tourism.~~ Tourism, Film, and
39 Sports Development.

40 (3) To recommend programs to the Secretary of Commerce that will
41 promote the State as a travel and tourism destination and that will
42 develop travel and tourism opportunities throughout the State.

43 (4) To advise the Secretary of Commerce every three months as to the
44 effectiveness of agencies with which the Department has contracted

- 1 for advertising and regarding the selection of an advertising agency
2 that will assist the Department in the promotion of the State as a
3 travel and tourism destination.
- 4 (5) To name a three-member subcommittee, with one member from
5 each of the eastern, central, and western regions of the State, to
6 make recommendations to the Secretary of Commerce regarding
7 any revisions in the matching funds tourism grants program,
8 project applications, and criteria for projects that qualify for
9 participation in the program.
- 10 (6) To advise the Secretary of Commerce from time to time as to the
11 effectiveness of the overall operations of the Division of ~~Travel and~~
12 ~~Tourism.~~ Tourism, Film, and Sports Development.
- 13 (7) To promote the exchange of ideas and information on travel and
14 tourism between State and local governmental agencies, and
15 private organizations and individuals.
- 16 (8) To advise the Secretary of Commerce upon any matter that the
17 Secretary, Governor, or Director of the Division of ~~Travel and~~
18 ~~Tourism.~~ Tourism, Film, and Sports Development may refer to it.
- 19 (c) The Board shall consist of 27 members as follows:
- 20 (1) The Secretary of Commerce, who shall not be a voting member.
21 (2) The Director of the Division of ~~Travel and Tourism,~~ Tourism,
22 Film, and Sports Development, who shall not be a voting member.
23 (3) Two members designated by the Board of Directors of the North
24 Carolina Hotel and Motel Association.
25 (4) Two members designated by the Board of Directors of the North
26 Carolina Restaurant Association.
27 (5) Three Directors of Convention and Visitor Bureaus designated by
28 the Board of Directors of the North Carolina Association of
29 Convention and Visitor Bureaus.
30 (6) The Chairperson of the Travel and Tourism Coalition.
31 (7) The President of the Travel Council of North Carolina.
32 (8) A member designated by the Board of Directors of the Travel
33 Council of North Carolina.
34 (9) The President of North Carolina Citizens for Business and
35 Industry.
36 (10) One member designated by the North Carolina Petroleum
37 Marketers Association.
38 (11) One person associated with tourism attractions in North Carolina,
39 appointed by the Speaker of the House of Representatives. One
40 person who is not a member of the General Assembly, appointed
41 by the Speaker of the House of Representatives.
42 (12) One person associated with the tourism-related transportation
43 industry, appointed by the President Pro Tempore of the Senate.

- 1 One person who is not a member of the General Assembly,
2 appointed by the President Pro Tempore of the Senate.
- 3 (13) Four public members each interested in matters relating to travel
4 and tourism, two appointed by the Governor (one from a rural
5 area and one from an urban area), one appointed by the Speaker
6 of the House, and one appointed by the President Pro Tempore of
7 the Senate.
- 8 (14) One member associated with the major cultural resources and
9 activities of the State in North Carolina, appointed by the
10 Governor.
- 11 (15) Two members of the House of Representatives, appointed by the
12 Speaker of the House of Representatives.
- 13 (16) Two members of the Senate, appointed by the President Pro
14 Tempore of the Senate.
- 15 (d) The members of the Board shall serve the following terms: the Secretary of
16 Commerce, the Director of the Division of ~~Travel and Tourism~~, Tourism, Film, and
17 Sports Development, the Chairperson of the Travel and Tourism Coalition, the
18 President of the Travel Council of North Carolina, and the President of North
19 Carolina Citizens for Business and Industry shall serve on the Board while they hold
20 their respective offices. Each member of the Board appointed by the Governor shall
21 serve during his or her term of office. The members of the Board appointed by the
22 General Assembly shall serve two-year terms beginning on January 1 of odd-
23 numbered years and ending on December 31 of the following year. The first such
24 term shall begin on January 1, 1991, or as soon thereafter as the member is appointed
25 to the Board, and end on December 31, 1992. All other members of the Board shall
26 serve a term which consists of the portion of calendar year 1991 that remains
27 following their appointment or designation and, thereafter, two-year terms which
28 shall begin on January 1 of an even-numbered year and end on December 31 of the
29 following year. The first such two-year term shall begin on January 1, 1992, and end
30 on December 31, 1994.
- 31 (e) No member of the Board, except a member serving by virtue of his or her
32 office, shall serve during more than five consecutive calendar years, except that a
33 member shall continue to serve until his or her successor is appointed.
- 34 (f) Appointments to fill vacancies in the membership of the Board that occur due
35 to resignation, dismissal, death, or disability of a member shall be for the balance of
36 the unexpired term and shall be made by the same appointing authority that made
37 the initial appointment.
- 38 (g) Board members who are employees of the State shall receive travel allowances
39 at the rate set forth in G.S. 138-6. Board members who are legislators shall be
40 reimbursed for travel and subsistence in accordance with G.S. 120-3.1. All other
41 Board members, except those serving pursuant to subdivisions (3) through (10) of
42 subsection (c) of this section, shall receive per diem, subsistence, and travel expenses
43 at the rate set forth in G.S. 138-5. Board members serving pursuant to subdivisions
44 (3) through (10) of subsection (c) of this section shall not receive per diem,

1 subsistence, or travel expenses. The expenses set forth in this section shall be paid by
2 the Division of ~~Travel and Tourism~~ Tourism, Film, and Sports Development of the
3 Department of Commerce.

4 (h) At its first meeting in 1991, the Board shall elect one of its voting members to
5 serve as Chairperson during calendar year 1991. At its last regularly scheduled
6 meeting in 1991, and at its last regularly scheduled meeting in each year thereafter,
7 the Board shall elect one of its voting members to serve as Chairperson for the
8 coming calendar year. No person shall serve as Chairperson during more than three
9 consecutive calendar years. The Chairperson shall continue to serve until his or her
10 successor is elected.

11 (i) A majority of the current voting membership shall constitute a quorum.

12 (j) The Secretary of Commerce shall provide clerical and other services as
13 required by the Board."

14 Section 79.(b) G.S. 143B-434.2(d) reads as rewritten:

15 "(d) The Department of Commerce, and the Division of ~~Travel and Tourism~~
16 Tourism, Film, and Sports Development within that Department, shall implement the
17 policies set forth in this section. The Division of ~~Travel and Tourism~~ Tourism, Film,
18 and Sports Development shall make an annual report to the General Assembly
19 regarding the status of the travel and tourism industry in North Carolina; the report
20 shall be submitted to the General Assembly by January 15 of each year beginning
21 January 15, 1992. The duties and responsibilities of the Department of Commerce
22 through the Division of ~~Travel and Tourism~~ Tourism, Film, and Sports Development
23 shall be to:

- 24 (1) Organize and coordinate programs designed to promote tourism
25 within the State and to the State from other states and foreign
26 countries.
- 27 (2) Measure and forecast tourist volume, receipts, and impact, both
28 social and economic.
- 29 (3) Develop a comprehensive plan to promote tourism to the State.
- 30 (4) Encourage the development of the State's tourism infrastructure,
31 facilities, services, and attractions.
- 32 (5) Cooperate with neighboring states and the federal government to
33 promote tourism to the State from other countries.
- 34 (6) Develop opportunities for professional education and training in
35 the tourism industry.
- 36 (7) Provide advice and technical assistance to local public and private
37 tourism organizations in promoting tourism to the State.
- 38 (8) Encourage cooperation between State agencies and private
39 individuals and organizations to advance the State's tourist
40 interests and seek the views of these agencies and the private sector
41 in the development of State tourism programs and policies.
- 42 (9) Give leadership to all concerned with tourism in the State.
- 43 (10) Perform other functions necessary to the orderly growth and
44 development of tourism.

- 1 (11) Develop informational materials for visitors which, among other
2 things, shall:
3 a. Describe the State's travel and tourism resources and the
4 State's history, economy, political institutions, cultural
5 resources, outdoor recreational facilities, and principal
6 festivals.
7 b. Urge visitors to protect endangered species, natural
8 resources, archaeological artifacts, and cultural treasures.
9 c. Instill the ethic of stewardship of the State's natural
10 resources.
- 11 (12) Foster an understanding among State residents and civil servants of
12 the economic importance of hospitality and tourism to the State.
- 13 (13) Work with local businesses, including banks and hotels, with
14 educational institutions, and with the United States Travel and
15 Tourism Administration, to provide special services for
16 international visitors, such as currency exchange facilities.
- 17 (14) Encourage the reduction of architectural and other barriers which
18 impede travel by physically handicapped persons."

19 Section 79.(c) The Revisor of Statutes shall change the term "Division of
20 Travel and Tourism" to "Division of Tourism, Film, and Sports Development"
21 wherever it appears in the General Statutes.

22 Section 80. G.S. 159-13(b)(6) reads as rewritten:

23 "(6) The estimated percentage of collection of property taxes shall not
24 be greater than the percentage of the levy actually realized in cash
25 as of June 30 during the preceding fiscal year. For purposes of the
26 calculation under this subdivision only, the levy for the registered
27 motor vehicle tax under Article ~~22C~~ 22A of Chapter 105 of the
28 General Statutes shall be based on the nine-month period ending
29 March 31 of the preceding fiscal year, and the collections realized
30 in cash with respect to this levy shall be based on the ~~twelve~~
31 ~~month~~ 12-month period ending June 30 of the preceding fiscal
32 year."

33 Section 81. G.S. 163-132.1(d) reads as rewritten:

34 "(d) Freezing of Precincts. --

35 (1) Notwithstanding the provisions of G.S. 163-132.3, after the
36 Executive Secretary-Director approves the precincts in accordance
37 with subsection (c) of this section and before January 2, 2002, no
38 county board of elections may establish, alter, discontinue, or
39 create any precinct except by division of one precinct into two or
40 more precincts using lines that the Census Bureau has indicated it
41 will use as 2000 Census block boundaries for that division.
42 Provided that, whenever an annexation ordinance adopted under
43 Parts 1, 2, or 3 of Article 4A of Chapter 160A of the General
44 Statutes, or a local act of the General Assembly annexing property

1 to a municipality, becomes effective during the period beginning
2 with the date of the annexation as reported through the U.S.
3 Census Bureau's 1998 Boundary and Annexation Survey or a
4 subsequent edition of that survey and ending January 2, 2002, and
5 any part of the boundary of the area being annexed which is
6 actually contiguous to the city is also a precinct boundary for
7 elections administered by the county board of elections then the
8 county board of elections may exercise one of the following
9 options:

- 10 (1) a. Direct by resolution that the annexed area is automatically
11 moved into the 'city precinct', provided that if the annexed
12 area is adjacent to more than one city precinct, the board of
13 elections shall place the area in any one or more of the
14 adjacent city precincts.
- 15 (2) b. Adopt a resolution moving the precinct boundary to a
16 ~~visible feature line~~ line that the Census Bureau has indicated it
17 will use as a 2000 block boundary.
- 18 (2) The Executive Secretary-Director of the State Board of Elections
19 may permit during the freeze a correction to a county's precincts
20 as they were approved pursuant to subsection (c) of this section
21 where one of the following sets of conditions is present:
- 22 a. A precinct was designated pursuant to subsection (c)
23 inaccurately, and the United States Bureau of the Census
24 agrees to include the corrected precinct on its database for
25 the 2000 Census.
- 26 b. The boundary of a precinct designated pursuant to
27 subsection (c) of this section was subsequently removed by
28 the United States Bureau of the Census as an acceptable
29 feature for a precinct line based upon a determination by
30 the Bureau that the feature did not exist as shown, and the
31 county board of elections agrees by resolution to an
32 alternative boundary for the precinct on a feature the
33 Bureau does find acceptable.
- 34 (3) The county board of elections shall submit any proposed change
35 made during the freeze under this subsection to the Legislative
36 Services Office, which shall review the proposal and write a letter
37 advising the Executive Secretary-Director of its opinion as to the
38 legal compliance of the proposal. If the proposal complies with the
39 law, the Executive Secretary-Director shall approve the proposal.
40 No newly created or altered precinct boundary is effective until
41 approved by the Executive Secretary-Director as being in
42 compliance with the provisions of this subsection."

43 Section 82. G.S. 163-278.5 reads as rewritten:

44 "§ 163-278.5. Scope of Article; severability.

1 The provisions of this Article apply to primaries and elections for North Carolina
2 offices and to North Carolina referenda and do not apply to primaries and elections
3 for federal offices or offices in other States. States or to non-North Carolina
4 referenda. Any provision in this Article that regulates a non-North Carolina entity
5 does so only to the extent that the entity's actions affect elections for North Carolina
6 offices. offices or North Carolina referenda.

7 The provisions of this Article are severable. If any provision is held invalid by a
8 court of competent jurisdiction, the invalidity does not affect other provisions of the
9 Article that can be given effect without the invalid provision."

10 Section 83. G.S. 163-278.39A(a) reads as rewritten:

11 "(a) Expanded Disclosure Requirements. -- ~~In addition to the basic disclosure~~
12 ~~requirements in G.S. 163-278.39, any~~ Any political campaign advertisement on radio
13 or television shall comply with the expanded disclosure requirements set forth in this
14 section. To the extent that it provides the same information required by G.S. 163-
15 278.39, a statement made pursuant to this section satisfies the requirements of G.S.
16 163-278.39 for the same advertisement."

17 Section 84. G.S. 163-278.39A(i) reads as rewritten:

18 "(i) No Criminal Liability. -- Nothing in this section regarding the disclosure
19 requirements in subsections (b) and (c) of this section shall be relied upon or
20 otherwise interpreted to create criminal ~~liability for any person~~. liability."

21 Section 85. Section 14 of S.L. 1998-22 reads as rewritten:

22 "Section 14. (a) Notwithstanding G.S. 105-187.44(b), as enacted by this act, the
23 amount distributed to a city under G.S. 105-187.44(b) for taxes collected for each of
24 the quarters in the ~~fiscal year~~ 1999-2000 and 2000-2001 fiscal years may not exceed its
25 benchmark amount until each city receives an amount equal to its benchmark
26 amount. Each quarter, the Secretary of Revenue shall determine a city's benchmark
27 amount and the amount it would receive under G.S. 105-187.44(b) if not for the
28 redistribution required by this section. The Secretary shall identify those cities whose
29 distribution amounts under G.S. 105-187.44(b) are less than their benchmark amounts
30 and shall determine the total dollar amount of the shortfall. The Secretary shall
31 reduce the amount to be distributed to those cities whose distribution amount under
32 G.S. 105-187.44(b) exceeds their benchmark amount by the total dollar amount of the
33 shortfall determined for that quarter in proportion to each city's excess. However, in
34 no event may a city's distribution amount be reduced below its benchmark amount.
35 The Secretary will redistribute these monies to the cities whose distribution amounts
36 under G.S. 105-187.44(b) are less than their benchmark amounts in proportion to
37 each city's shortfall. In any quarter that a city does not have a prior year's
38 distribution for the corresponding quarter in fiscal year 1998-99, that city is excluded
39 from the redistribution required under this section for that quarter. In that case, the
40 city will receive the amount it is entitled to receive under G.S. 105-187.44(b), as
41 enacted by this act.

42 For the purposes of this subsection, the term 'benchmark amount' means the
43 amount a city received under G.S. 105-116.1 attributable to piped natural gas for the
44 corresponding quarter during the fiscal year 1998-99.

1 (b) The Department of Revenue must calculate the amount a city received for
2 taxes collected for each of the ~~first three~~ quarters in fiscal year 1998-99 under G.S.
3 105-116.1 that was attributable to piped natural gas. The Department must also
4 calculate the amount each city would have received under G.S. 105-187.44(b), as
5 enacted by this act, for taxes collected for each of the ~~first three~~ quarters in fiscal year
6 1999-2000. The Department shall give this information to the Revenue Laws Study
7 Committee. The Revenue Laws Study Committee shall study the impact of this act
8 on the distribution of part of the proceeds of the excise tax on piped natural gas to
9 the cities and report its findings, and any recommendation, to the ~~2000 Session of the~~
10 1999 2001 General Assembly."

11 Section 86. Subsection 17.12(c) of S.L. 1999-237 reads as rewritten:

12 "Section 17.12.(c) The Governor shall appoint a superior court judge for the
13 additional judgeship in Superior Court District 22 as authorized by subsection (b) of
14 this section. The successor to that judge shall be elected in the 2000 general election
15 to serve the ~~remainder of the unexpired~~ term expiring December 31, ~~2002, in order~~
16 ~~to provide for unstagged terms for multiple judgeships in the same district.~~ 2008."

17 Section 87. Section 3 of S.L. 1999-321 is repealed.

18 Section 88. Section 33 of S.L. 1999-360 reads as rewritten:

19 "Section 33. Affordable Housing Credit. -- Part III of this act is effective for taxable
20 years beginning on or after January 1, ~~2000, and applies~~ 2000. Sections 10 through 15
21 of Part III apply to buildings to which federal credits are allocated on or after January
22 1, 2000."

23 Section 89. Section 1 of S.L. 2000-64 reads as rewritten:

24 "Section 1. ~~S.L. 1993-205, Chapter 205 of the 1993 Session Laws,~~ as amended by
25 S.L. 1999-285, is repealed."

26 Section 90.(a) Section 21 of S.L. 2000-67 reads as rewritten:

27 "Requested by: Representatives Jeffus, Wainwright, Easterling, Redwine, Edwards,
28 Senators Warren, Lucas, Rand, Albertson, Robinson, Plyler, Perdue, Odom, Kerr
29 **NATIONAL WORLD WAR II MEMORIAL FUNDS**

30 Section 21. Of the funds appropriated in this act to the Department of
31 Administration for the 2000-2001 fiscal year, the sum of three hundred ninety-two
32 thousand dollars (\$392,000) shall be used by the Division of Veterans Affairs to fund
33 the voluntary contribution of the State toward the construction of the National World
34 War II Memorial in Washington, D.C."

35 Section 90.(b) Section 26.12A(a)(2) of S.L. 2000-67 reads as rewritten:

36 "(2) Who was, on or before April 1, 2000, a permanent officer or
37 permanent employee and who was in service on October 1, 2000,
38 shall receive, payable for the last pay date in October 2000, a
39 compensation bonus of five hundred dollars (\$500.00) except that:

40 a. The compensation bonus for persons subject to Section
41 26.10 of this act shall be an average of five hundred dollars
42 (\$500.00) and shall be allocated in accordance with
43 guidelines adopted by the State Board of Community

1 ~~Colleges, except for teaching faculty at the community~~
2 ~~colleges. Colleges.~~

3 b. The compensation bonus for persons subject to Section
4 26.11 of this act shall be an average of five hundred dollars
5 (\$500.00) and shall be allocated to individuals according to
6 the rules adopted by the Board of Governors, or the Board
7 of Trustees of the North Carolina School of Science and
8 ~~Mathematics, except for teaching faculty of the UNC System~~
9 ~~as appropriate. Mathematics.~~

10 c. The guidelines and rules adopted under sub-subdivisions a.
11 and b. of this subdivision may cover employees of those
12 institutions whose first day of employment for the 2000-2001
13 academic year came after January 1, 2000."

14 Section 90.(c) Section 11.6.(b) of S.L. 2000-67 reads as rewritten:

15 "Section 11.6.(b) Section 11.22(g) of S.L. 1999-237 is repealed."

16 Section 90.(d) The introductory language of Section 11.8.(a) of S.L.
17 2000-67 reads as rewritten:

18 "Section 11.8.(a) ~~G.S. 108A-70.18(8)~~ G.S. 108A-70.18 reads as rewritten:'

19 Section 90.(d) The introductory language of Section 11.33(b) of S.L.
20 2000-67 reads as rewritten:

21 "Section 11.33.(b) Subsection (m) of Section ~~4532~~ 15.32 of S.L. 1997-443, as
22 amended by subsection (c) of Section 11.58 of S.L. 1999-237, reads as rewritten:'"

23 Section 90.(e) Section 15.11(a) of S.L. 1997-443, as amended by Section
24 15.3 of S.L. 1999-237 and Section 13.5 of S.L. 2000-67, reads as rewritten:

25 "(a) The funds placed in a reserve account in the Department of ~~Health and~~
26 ~~Human Services~~ Environment, Health, and Natural Resources pursuant to Section
27 26.3(c) of Chapter 507 of the 1995 Session Laws shall not revert until June 30, 2001.
28 Those funds are reallocated as follows:

29 (1) Five hundred four thousand five hundred sixty dollars (\$504,560)
30 to the Stokes County Water and Sewer Authority, Inc., for the
31 Germanton Water Project.

32 (2) Nine hundred thirty thousand six hundred eighty dollars
33 (\$930,680) to the Stokes County Water and Sewer Authority, Inc.,
34 for the Walnut Cove/Industrial Site Connection Project.

35 (3) Eighty thousand dollars (\$80,000) to the Stokes County Water and
36 Sewer Authority, Inc., for the Dan River Project.

37 (4) Thirty thousand dollars (\$30,000) to the Department of
38 Environment, Health, and Natural Resources for the Limestone
39 Creek small watershed project in Duplin County.

40 (5) Three hundred forty thousand six hundred forty dollars (\$340,640)
41 to the Department of Environment, Health, and Natural Resources
42 for the Deep Creek small watershed project in Yadkin County."

43 Section 91. If House Bill 813, 1999 General Assembly, becomes law, the
44 introductory language of Section 1 of the bill reads as rewritten:

1 "Section 1. ~~Article 35~~ Article 26 of Chapter 14 is amended by adding a new
2 section to read:".

3 Section 92. If House Bill 979 becomes law, G.S. 30-3.2(d)(5) as enacted
4 by House Bill 979 reads as rewritten:

5 "(5) The value of any property which would be included in the taxable
6 estate of the decedent pursuant to sections 2033, 2035, 2036, 2037,
7 2038, 2039, ~~2040, or 2042~~ or 2040 of the Code."

8 Section 92.A.(a) If House Bill 1560, 1999 General Assembly, becomes
9 law, the introductory language of subsection (c) of Section 5 of that bill reads as
10 rewritten:

11 "Section 5.(c) G.S. 105-129.4(a) through (b1), as amended by Section ~~41~~ 8 of this
12 act, read as rewritten:".

13 Section 92.A.(b) If House Bill 1560, 1999 General Assembly, becomes
14 law, subsection (g) of Section 10 of that bill reads as rewritten:

15 "Section 10.(g) Modify Credit and Expiration Provisions. -- Section ~~41~~ 8 of this act
16 is effective for taxable years beginning on or after January 1, 2000."

17 Section 92.A.(c) If House Bill 1560, 1999 General Assembly, becomes
18 law, subsection (h) of Section 10 of that bill reads as rewritten:

19 "Section 10.(h) Technical Correction. -- Section ~~42~~ 9 of this act becomes effective
20 May 1, 1999, and applies to taxes paid on or after that date. Section 12 is repealed
21 for taxes paid on or after January 1, 2008."

22 Section 92.1(a). If House Bill 1218 becomes law, Section 2.1 of House
23 Bill 1218 is rewritten to read:

24 "Section 2.1. Section 3 of S.L. 1997-337, as amended by Section 55.2B of S.L.
25 1997-456, reads as rewritten:

26 "Section 3. This act is effective when it becomes law, expires ~~1 July 2000~~, upon
27 the adoption by the Coastal Resources Commission of a temporary rule to establish
28 use standards for waterfront development in urban areas, and applies to permits
29 granted and applications submitted prior to ~~1 July 2000~~. the adoption of that rule.
30 Any permits granted or applications issued prior to ~~July 1, 2000~~ the adoption of the
31 rule shall be transferable."

32 Section 92.1(b). If House Bill 1218 becomes law, Section 2.2 of House
33 Bill 1218 reads as rewritten:

34 "Section 2.2. ~~The Notwithstanding G.S. 150B-21.3(a) and 26 NCAC 2C.0102(11),~~
35 the Coastal Resources Commission shall shall, no later than it next regularly
36 scheduled meeting, adopt a temporary rule providing for and governing urban to
37 establish use standards for waterfront redevelopment in historically development in
38 urban areas. The temporary rule shall provide for an exception to the current
39 regulatory requirement of a 30-foot setback along public trust and estuarine waters
40 for municipalities subject to Article 7 of Chapter 113A of the General Statutes. The
41 temporary rule shall become effective 1 April 2001 upon its adoption by the
42 Commission and shall remain in effect until a permanent rule that replaces the
43 temporary rule becomes effective.'

44 Section 92.2.(a) G.S. 90-89(4) reads as rewritten:

1 "(4) Any material compound, mixture, or preparation which contains
2 any quantity of the following substances having a depressant effect
3 on the central nervous system, including its salts, isomers, and salts
4 of isomers whenever the existence of such salts, isomers, and salts
5 of isomers is possible within the specific chemical designation,
6 unless specifically excepted or unless listed in another schedule:

- 7 a. Mecloqualone.
8 b. Methaqualone.
9 c. Gamma hydroxybutyric acid; Some other names: GHB,
10 gamma-hydroxybutyrate, 4-hydroxybutyrate,
11 4-hydroxybutanoic acid; sodium oxybate; sodium
12 oxybutyrate.'

13 Section 92.2.(b) G.S. 90-91 is amended by adding a new subsection to
14 read:

15 "(m) Any drug product containing gamma hydroxybutyric acid, including its salts,
16 isomers, and salts of isomers, for which an application is approved under section 505
17 of the Federal Food, Drug, and Cosmetic Act."

18 Section 92.2.(c) G.S. 90-92(a) reads as rewritten:

19 "(a) This schedule includes the controlled substances listed or to be listed by
20 whatever official name, common or usual name, chemical name, or trade name
21 designated. In determining that a substance comes within this schedule, the
22 Commission shall find: a low potential for abuse relative to the substances listed in
23 Schedule III of this Article; currently accepted medical use in the United States; and
24 limited physical or psychological dependence relative to the substances listed in
25 Schedule III of this Article. The following controlled substances are included in this
26 schedule:

27 (1) Depressants. -- Unless specifically excepted or unless listed in
28 another schedule, any material, compound, mixture, or preparation
29 which contains any quantity of the following substances, including
30 its salts, isomers, and salts of isomers whenever the existence of
31 such salts, isomers, and salts of isomers is possible within the
32 specific chemical designation:

- 33 a. Alprazolam.
34 b. Barbital.
35 c. Bromazepam.
36 d. Camazepam.
37 e. Chloral betaine.
38 f. Chloral hydrate.
39 g. Chlordiazepoxide.
40 h. Clobazam.
41 i. Clonazepam.
42 j. Clorazepate.
43 k. Clotiazepam.
44 l. Cloxazolam.

- 1 m. Delorazepam.
- 2 n. Diazepam.
- 3 o. Estazolam.
- 4 p. Ethchlorvynol.
- 5 q. Ethinamate.
- 6 r. Ethyl loflazepate.
- 7 s. Fludiazepam.
- 8 t. Flunitrazepam.
- 9 u. Flurazepam.
- 10 ~~v. Gamma Hydroxybutyric Acid.~~
- 11 w. Halazepam.
- 12 x. Haloxazolam.
- 13 y. Ketazolam.
- 14 z. Loprazolam.
- 15 aa. Lorazepam.
- 16 bb. Lormetazepam.
- 17 cc. Mebutamate.
- 18 dd. Medazepam.
- 19 ee. Meprobamate.
- 20 ff. Methohexital.
- 21 gg. Methylphenobarbital (mephobarbital).
- 22 hh. Midazolam.
- 23 ii. Nimetazepam.
- 24 jj. Nitrazepam.
- 25 kk. Nordiazepam.
- 26 ll. Oxazepam.
- 27 mm. Oxazolam.
- 28 nn. Paraldehyde.
- 29 oo. Petrichloral.
- 30 pp. Phenobarbital.
- 31 qq. Pinazepam.
- 32 rr. Prazepam.
- 33 ss. Quazepam.
- 34 tt. Temazepam.
- 35 uu. Tetrazepam.
- 36 vv. Triazolam.
- 37 ww. Zolpidem.
- 38 (2) Any material, compound, mixture, or preparation which contains
- 39 any of the following substances, including its salts, or isomers and
- 40 salts of such isomers, whenever the existence of such salts, isomers,
- 41 and salts of isomers is possible:
- 42 a. Fenfluramine.
- 43 b. Pentazocine.

- 1 (3) Stimulants. -- Unless specifically excepted or unless listed in
2 another schedule, any material, compound, mixture, or preparation
3 which contains any quantity of the following substances having a
4 stimulant effect on the central nervous system, including its salts,
5 isomers (whether optical, position, or geometric), and salts of such
6 isomers whenever the existence of such salts, isomers, and salts of
7 isomers is possible within the specific chemical designation:
8 a. Diethylpropion.
9 b. Mazindol.
10 c. Pemoline (including organometallic complexes and chelates
11 thereof).
12 d. Phentermine.
13 e. Cathine.
14 f. Fencamfamin.
15 g. Fenproporex.
16 h. Mefenorex.
17 i. Sibutramine.
- 18 (4) Other Substances. -- Unless specifically excepted or unless listed in
19 another schedule, any material, compound, mixture or preparation
20 which contains any quantity of the following substances, including
21 its salts:
22 a. Dextropropoxyphene (Alpha-(plus)-4-dimethylamino-1,
23 2-diphenyl-3-methyl-2-propionoxybutane).
24 b. Pipradrol.
25 c. SPA ((-)-1-dimethylamino-1, 2-diphenylethane).
26 d. Butorphanol.
- 27 (5) Narcotic Drugs. -- Unless specifically excepted or unless listed in
28 another schedule, any material, compound, mixture, or preparation
29 containing limited quantities of any of the following narcotic drugs,
30 or any salts thereof:
31 a. Not more than 1 milligram of difenoxin and not less than 25
32 micrograms of atropine sulfate per dosage unit.
33 b. Buprenorphine.'
- 34 Section 92.2.(d) G.S. 90-95(d2) reads as rewritten:
35 "(d2) The immediate precursor chemicals to which subsection (d1) of this section
36 applies are those immediate precursor chemicals designated by the Commission
37 pursuant to its authority under G.S. 90-88, and the following (until otherwise
38 specified by the Commission):
39 (1) Anhydrous ammonia.
40 (1a) Anthranilic acid.
41 (2) Benzyl cyanide.
42 (3) Chloroephedrine.
43 (4) Chloropseudoephedrine.
44 (5) D-lysergic acid.

- 1 (6) Ephedrine.
- 2 (7) Ergonovine maleate.
- 3 (8) Ergotamine tartrate.
- 4 (9) Ethyl Malonate.
- 5 (10) Ethylamine.
- 6 (10a) Iodine.
- 7 (11) Isosafrole.
- 8 (11a) Lithium.
- 9 (12) Malonic acid.
- 10 (13) Methylamine.
- 11 (14) N-acetylanthranilic acid.
- 12 (15) N-ethylephedrine.
- 13 (16) N-ethylepseudoephedrine.
- 14 (17) N-methylephedrine.
- 15 (18) N-methylpseudoephedrine.
- 16 (19) Norpseudoephedrine.
- 17 (20) Phenyl-2-propane.
- 18 (21) Phenylacetic acid.
- 19 (22) Phenylpropanolamine.
- 20 (23) Piperidine.
- 21 (24) Piperonal.
- 22 (25) Propionic anhydride.
- 23 (26) Pseudoephedrine.
- 24 (27) Pyrrolidine.
- 25 (27a) Red phosphorous.
- 26 (28) Safrole.
- 27 (28a) Sodium.
- 28 (29) Thionylchloride.
- 29 (30) Gamma-butyrolactone.

30 Section 92.2.(e)5. This section act becomes effective 1 December 2000
31 and applies to offenses committed on or after that date. Prosecutions for offenses
32 occurring before the effective date of this act are not abated or affected by this act,
33 and the statutes that would be applicable for this act remain applicable to those
34 prosecutions.

35 Section 93. G.S. 90-624 is amended by adding a new subsection to read:

36 "(8) A person employed by one contracting with a not-for-profit
37 community service organization giving massage and body work
38 therapy only to persons of the same gender as the person who is
39 giving the massage and bodywork therapy and who are members of
40 that not-for-profit community service organization."

41 Section 93.(a) Effective July 1, 2000, the phrase 'Office of State Budget
42 and Management' is deleted and replaced by the phrase 'Office of State Budget,
43 Planning, and Management' wherever it occurs in each of the following General
44 Statutes:

- 1 7A-113. Bookkeeping and accounting systems equipment.
2 18B-1009. In-stand sales.
3 20-7. Issuance and renewal of drivers licenses.
4 58-6-25. Insurance regulatory charge.
5 58-85A-1. Creation of Fund; allocation to local fire districts and political
6 subdivisions of the State.
7 96-4. Administration.
8 96-35. Reports on common follow-up system activities.
9 97-80. Rules and regulations; subpoena of witnesses; examination of
10 books and records; depositions; costs.
11 105-130.5. Adjustments to federal taxable income in determining State net
12 income.
13 105-134.6. Adjustments to taxable income.
14 105-262. Rules.
15 108A-27.8. Standard Program Counties -- Duties of Department.
16 115C-457.1. Creation of Fund; administration.
17 115C-457.2. Remittance of moneys to the Fund.
18 115C-457.3. Transfer of funds to the State School Technology Fund.
19 115C-546.1. Creation of Fund; administration.
20 115D-31. State financial support of institutions.
21 116-220. Establishment and administration of self-insurance trust funds;
22 rules and regulations; defense of actions against covered persons;
23 application of § 143-300.6.
24 120-30.45. Fiscal note on legislation.
25 120-30.49. Compiling federal mandates; annual report.
26 120-36.8. Certification of legislation required by federal law.
27 120-131.1. Requests from legislative employees for assistance in the
28 preparation of fiscal notes.
29 120-166. Additional criteria; nearness to another municipality.
30 122A-16. Oversight by committees of General Assembly; annual reports.
31 122C-112. Powers and duties of the Secretary.
32 122C-185. Application of funds belonging to State facilities.
33 131D-4.2. Adult care homes; family care homes; annual cost reports;
34 exemptions; enforcement.
35 131E-13. Lease or sale of hospital facilities to or from for-profit or
36 nonprofit corporations or other business entities by municipalities
37 and hospital authorities.
38 135-39.3. Oversight team.
39 138-6. Travel allowances of State officers and employees.
40 138-8. Moving expenses of State employees.
41 143-1. Scope and definitions.
42 143-2. Purposes.
43 143-4. (For applicability see note) Advisory Budget Commission.
44 143-6. Information from departments and agencies asking State aid.

- 1 143-6.1. Report on use of State funds by non-State entities.
- 2 143-10.1A. Same -- Continuation and expansion costs.
- 3 143-10.2. Limit on number of State employees.
- 4 143-10.3. Strategic planning process.
- 5 143-10.4. Departmental operations plans.
- 6 143-10.5. Development of performance measures for major programs.
- 7 143-10.7. Review of department forms and reports.
- 8 143-12.1. Vending facilities.
- 9 143-15.4. General Fund operating budget size limited.
- 10 143-19. Help for Director.
- 11 143-20.1. Annual financial statements.
- 12 143-27. Appropriations to educational, charitable and correctional
13 institutions are in addition to receipts by them.
- 14 143-28.1. Highway Fund appropriation.
- 15 143-31.1. Study and review of plans and specifications for building,
16 improvement, etc., projects.
- 17 143-34.2. Information as to requests for nonstate funds for projects
18 imposing obligation on State; statement of participation in
19 contracts, etc., for nonstate funds; limiting clause required in
20 certain contracts or grants.
- 21 143-34.41. Legislative intent; purpose.
- 22 143-34.43. Capital improvement needs criteria.
- 23 143-34.44. Agency capital improvement needs estimates.
- 24 143-138. North Carolina State Building Code.
- 25 143-215.94P. Groundwater Protection Loan Fund.
- 26 143-345.24. Incentive Bonus Review Committee.
- 27 143B-133.1. Powers of Commission.
- 28 143B-336.1. Special Zoo Fund.
- 29 143B-426.39. Powers and duties of the State Controller.
- 30 143B-472.41. Information Resource Management Commission.
- 31 143B-472.64. Financial reporting and accountability for information technology
32 investments and expenditures.
- 33 146-30. Application of net proceeds.
- 34 147-86.22. Statewide accounts receivable program.
- 35 150B-21. Agency must designate rule-making coordinator; duties of
36 coordinator.
- 37 150B-21.4. Fiscal notes on rules.
- 38 150B-21.9. Standards and timetable for review by Commission.
- 39 150B-21.28. Role of the Office of State Budget and Management.
- 40 153A-230.1. Definitions.
- 41 153A-230.2. Creation of Satellite Jail/Work Release Unit Fund.
- 42 153A-230.5. Satellite jails/work release units built with non-State funds.
- 43 159I-25. Disbursement.
- 44 159I-28. Rules.

1 159I-29. Annual reports to Joint Legislative Commission on Governmental
2 Operations.

3 160A-486. Estimates of population.

4 Section 93.(b) Effective July 1, 2000, the phrase 'Office of State
5 Planning' is deleted and replaced by the phrase 'Office of State Budget, Planning,
6 and Management' wherever it occurs in each of the following General Statutes:

7 7A-101. Compensation.

8 47-30. Plats and subdivisions; mapping requirements.

9 62A-25. Use of funds.

10 Section 93.(c) Effective July 1, 2000, the phrase 'State Budget Office' is
11 deleted and replaced by the phrase 'Office of State Budget, Planning, and
12 Management' wherever it occurs in each of the following General Statutes:

13 143B-472.41. Information Resource Management Commission.

14 163-132.5. Cooperation of State and local agencies.

15 Section 93.(d) G.S. 96-31 reads as rewritten:

16 **"§ 96-31. Definitions.**

17 As used in this Article, unless the context clearly requires otherwise, the term:

18 (1) "CFS" means the common follow-up information management
19 system developed by the Employment Security Commission of
20 North Carolina as authorized under this Article.

21 (2) "ESC" means the Employment Security Commission of North
22 Carolina.

23 ~~(3) "OSBM" means the Office of State Budget and Management.~~

24 (4) "State job training, education, and placement program" or "State-
25 funded program" means a program operated by a State or local
26 government agency or entity and supported in whole or in part by
27 State or federal funds, that provides job training and education or
28 job placement services to program participants. The term does not
29 include on-the-job training provided to current employees of the
30 agency or entity for the purposes of professional development.'

31 Section 93.(e) G.S. 96-32 reads as rewritten:

32 **"§ 96-32. Common follow-up information management system created.**

33 (a) The Employment Security Commission of North Carolina shall develop,
34 implement, and maintain a common follow-up information management system for
35 tracking the employment status of current and former participants in State job
36 training, education, and placement programs. The system shall provide for the
37 automated collection, organization, dissemination, and analysis of data obtained from
38 State-funded programs that provide job training and education and job placement
39 services to program participants. In developing the system, the ESC shall ensure that
40 data and information collected from State agencies is confidential, not open for
41 general public inspection, and maintained and disseminated in a manner that protects
42 the identity of individual persons from general public disclosure.

43 (b) The ESC in consultation with ~~OSBM~~ the Office of State Budget, Planning,
44 and Management shall adopt procedures and guidelines for the development and
45 implementation of the CFS authorized under this section.

46 (c) Based on data collected under the CFS, the ~~Office of State Budget and~~
47 Management Office of State Budget, Planning, and Management shall evaluate the
48 effectiveness of job training, education, and placement programs to determine if
49 specific program goals and objectives are attained, to determine placement and
50 completion rates for each program, and to make recommendations regarding the

1 continuation of State funding for programs evaluated. The ESC shall provide to
2 ~~OSBM the Office of State Budget, Planning, and Management~~ data collected under
3 the CFS in a manner and with the frequency necessary for the ~~Office of State Budget~~
4 ~~and Management Office of State Budget, Planning, and Management~~ to conduct the
5 evaluation required under this subsection. The ESC shall consult with ~~OSBM the~~
6 ~~Office of State Budget, Planning, and Management~~ to determine the most efficient
7 and effective method for providing to ~~OSBM the Office of State Budget, Planning,~~
8 ~~and Management~~ data collected under the CFS. The ~~OSBM Office of State Budget,~~
9 ~~Planning, and Management~~ shall maintain the same levels of confidentiality with
10 respect to CFS data received from the ESC as is required of the ESC under this
11 Article. ~~OSBM shall coordinate with the Office of State Planning to determine what~~
12 ~~data will be collected to support the State planning and budgetary process."~~

13 Section 93.(f) G.S. 143-3.5(a) reads as rewritten:

14 "(a) It shall be the duty of the Director, through the ~~Office of State Budget and~~
15 ~~Management and the Office of State Planning~~ Office of State Budget, Planning, and
16 Management to coordinate the efforts of governmental agencies in the collection,
17 development, dissemination and analysis of official economic, demographic and social
18 statistics pertinent to State budgeting. The Director shall:

- 19 (1) Prepare and release the official demographic and economic
20 estimates and projections for the State;
- 21 (2) Conduct special economic and demographic analyses and studies
22 to support statewide budgeting;
- 23 (3) Develop and coordinate cooperative arrangements with federal,
24 State and local governmental agencies to facilitate the exchange of
25 data to support State budgeting;
- 26 (4) Compile, maintain, and disseminate information about State
27 programs which involve the distribution of State aid funds to local
28 governments including those variables used in their allocation;
- 29 (5) Develop and maintain in cooperation with other State and local
30 governmental agencies, an information system providing
31 comparative data on resources and expenditures of local
32 governments; and
- 33 (6) Report major trends that influence revenues and expenditures in
34 the State budget in the current fiscal year and that may influence
35 revenues and expenditures over the next five fiscal years.

36 Every fiscal analysis prepared by the Director or the ~~Office of State Budget and~~
37 ~~Management~~ Office of State Budget, Planning, and Management addressing the State
38 budget outlook shall encompass the upcoming five-year period. Every fiscal analysis
39 prepared by the Director or the ~~Office of State Budget and Management~~ Office of
40 State Budget, Planning, and Management addressing the impact of proposed
41 legislation on the State budget shall estimate the impact for the first five fiscal years
42 the legislation would be in effect. To minimize duplication of effort in collecting or
43 developing new statistical series pertinent to State planning and budgeting, including
44 contractual arrangements, State agencies must submit to the Director proposed
45 procedures and funding requirements."

46 Section 93.(g) G.S. 143B-372.3(b) reads as rewritten:

47 "(b) The ~~Office of State Budget and Management and the Office of State Planning~~
48 Office of State Budget, Planning, and Management shall also provide support,
49 information, reports, and other assistance to the North Carolina Progress Board as
50 requested."

51 Section. 93.(h) G.S. 143B-472.52(b) reads as rewritten:

52 "(b) The Office shall coordinate with the ~~Office of State Budget and Management~~
53 ~~and the Office of State Planning~~ the Office of State Budget, Planning, and

1 Management to integrate agency strategic and business planning, technology planning
2 and budgeting, and project expenditure processes into the Office's information
3 technology portfolio-based management. The Office shall provide recommendations
4 for agency annual budget requests for information technology investments, projects,
5 and initiatives to the ~~Office of State Budget and Management~~. Office of State
6 Budget, Planning, and Management."

7 Section 93.(i) The Revisor of Statutes shall change the term 'Office of
8 State Budget and Management' to 'Office of State Budget, Planning, and
9 Management' wherever it occurs in the General Statutes, except in G.S. 143-3.1.

10 Section 93.(j) The Revisor of Statutes shall change the term 'OSBM' to
11 'Office of State Budget, Planning, and Management' wherever it occurs in the
12 General Statutes.

13 Section 93.(k) The Revisor of Statutes shall change the term 'Office of
14 State Planning' to 'Office of State Budget, Planning, and Management' wherever it
15 occurs in the General Statutes.

16 Section 93.(l) The Revisor of Statutes shall change the term 'State
17 Budget Office' to 'Office of State Budget, Planning, and Management' wherever it
18 occurs in the General Statutes, except in G.S. 143-31.5.

19 Section 93.(m) This section becomes effective July 1, 2000.

20 Section 94. Except as otherwise specified, this act is effective when it becomes
21 law.



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Date , 2000

Comm. Sub. [YES]
Amends Title []
Third Edition

Representative

1 moves to amend the bill on page 26, line 11-22,
2 by rewriting the lines to read:
3 "to and leaving with him the Secretary of State or with any clerk
4 ~~having charge of the corporation department of his office,~~
5 authorized by the Secretary of State to accept service of
6 process, duplicate copies of any such process, notice or demand-
7 demand and the fee required by G.S. 55-1-22(b). In the event any
8 such process, notice or demand is served on the Secretary of
9 ~~State, he~~ State in the manner provided by this subsection, the
10 Secretary of State shall immediately mail one of the copies
11 thereof, by registered or certified mail, return receipt
12 requested, to the corporation at its principal office ~~shown in~~
13 ~~its most recent annual report or in any subsequent communication~~
14 ~~received from the corporation stating the current mailing address~~
15 ~~of its principal office~~ or, if there is no mailing address for
16 the principal office on file, to the corporation at its
17 registered office. Service on a corporation under this subsection
18 shall be effective for all purposes from and after the date of
19 ~~such~~ the service on the Secretary of State."; and

20
21 on page 27, lines 23-38,
22 by rewriting the lines to read:
23 " (2) ~~If the surviving business entity does not have a~~
24 ~~registered agent in this State, to~~ To have
25 appointed the Secretary of State as its registered
26 agent for service of process in any such proceeding
27 ~~until such time as the surviving business entity~~
28 ~~appoints a registered agent in this State.~~



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1 proceeding. Service on the Secretary of State of
2 any such process shall be made by delivering to and
3 leaving with the Secretary of State or with any
4 clerk authorized by the Secretary of State to
5 accept service of process, duplicate copies of such
6 ~~process~~ process and the fee required by G.S. 55-1-
7 22(b). Upon receipt of service of process on behalf
8 of a surviving business ~~entity,~~ entity in the
9 manner provided for in this section, the Secretary
10 of State shall immediately mail a copy of the
11 process by registered or certified mail, return
12 receipt requested, to the surviving business ~~entity~~
13 ~~at its address shown in the articles of merger or,~~
14 ~~if an application for certificate of withdrawal by~~
15 ~~reason of merger has been filed, at the address for~~
16 ~~service of process contained in that application.~~
17 entity. If the surviving business entity is
18 authorized to transact business or conduct affairs
19 in this State, the address for mailing shall be its
20 principal office designated in the latest document
21 filed with the Secretary of State that is
22 authorized by law to designate the principal office
23 or, if there is no principal office on file, its
24 registered office. If the surviving business is
25 not authorized to transact business or conduct
26 affairs in this State, the address for mailing
27 shall be the mailing address designated pursuant to
28 subdivision (3) of subsection (d) of this
29 section."; and

30
31 on page 28, lines 1-11,
32 by rewriting the lines to read:
33 "with the Secretary of State or with any clerk ~~having charge of~~
34 ~~the corporation department of his office,~~ authorized by the
35 Secretary of State to accept service of process, duplicate copies
36 of any such process, notice or ~~demand,~~ demand and the fee
37 required by G.S. 55A-1-22(b). In the event any process, notice,
38 or demand is served on the Secretary of ~~State,~~ State in the
39 manner provided for in this section, he the Secretary of State
40 shall immediately mail one of the copies thereof, by registered



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- 1 or certified mail, return receipt requested, to the corporation
2 at its principal office ~~shown in its most recent annual report,~~
3 ~~if applicable, the articles of incorporation, the Designation of~~
4 ~~Principal Office Address form, in any subsequent Corporation's~~
5 ~~Statement of Change of Principal Office Address form, or in any~~
6 ~~subsequent communication received from the corporation stating~~
7 ~~the current mailing address of its principal office or, if there~~
8 ~~is no mailing"; and~~
9
- 10 on page 28, lines 30-43, and page 29, lines 1-16,
11 by deleting the lines and substituting the following:
12 "Section 48. G.S. 55A-11-09 reads as rewritten:
13 '§ 55A-11-09. Merger with unincorporated entity.
14 (a) As used in this section, "business entity" means a
15 domestic corporation as defined in G.S. 55-1-40 (including a
16 professional corporation as defined in G.S. 55B-2), a foreign
17 corporation as defined in G.S. 55-1-40 (including a foreign
18 professional corporation as defined in G.S. 55B-16), a domestic
19 or foreign nonprofit corporation as defined in G.S. 55A-1-40, a
20 domestic or foreign limited liability company as defined in G.S.
21 57C-1-03, a domestic or foreign limited partnership as defined in
22 G.S. 59-102, and a registered limited liability partnership or
23 foreign limited liability partnership as defined in G.S. 59-32,
24 or any other partnership as defined in G.S. 59-36 whether or not
25 formed under the laws of this State (including a registered
26 limited liability partnership as defined in C.S. 59-32 and any
27 limited liability partnership formed under a law other than the
28 laws of this State). State.
29 (b) One or more domestic nonprofit corporations may merge with
30 one or more unincorporated entities and, if desired, one or more
31 foreign nonprofit corporations, domestic business corporations,
32 or foreign business corporations if:
33 (1) The merger is permitted by the laws of the state or
34 country governing the organization and internal
35 affairs of each of the other merging business
36 entities;
37 (2) Each merging domestic nonprofit corporation and
38 each other merging business entity comply with the
39 requirements of this section and, to the extent



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1 applicable, the laws referred to in subdivision (1)
2 of this subsection; and

3 (3) The merger complies with G.S. 55A-11-02, if
4 applicable.

5 (c) Each merging domestic nonprofit corporation and each other
6 merging business entity shall approve a written plan of merger
7 containing:

8 (1) For each merging business entity, its name, type of
9 business entity, and the state or country whose
10 laws govern its organization and internal affairs;

11 (2) The name of the merging business entity that shall
12 survive the merger;

13 (3) The terms and conditions of the merger;

14 (4) The manner and basis for converting the interests
15 in each merging business entity into interests,
16 obligations, or securities of the surviving
17 business entity or into cash or other property in
18 whole or in part; and

19 (5) If the surviving business entity is a domestic
20 nonprofit corporation, any amendments to its
21 articles of incorporation that are to be made in
22 connection with the merger.

23 The plan of merger may contain other provisions relating to the
24 merger.

25 In the case of a domestic nonprofit corporation, approval of
26 the plan of merger requires that the plan of merger be adopted as
27 provided in G.S. 55A-11-03. In the case of each other merging
28 business entity, the plan of merger must be approved in
29 accordance with the laws of the state or country governing the
30 organization and internal affairs of such merging business
31 entity.

32 After a plan of merger has been approved by a domestic
33 nonprofit corporation but before the articles of merger become
34 effective, the plan of merger (i) may be amended as provided in
35 the plan of merger, or (ii) may be abandoned (subject to any
36 contractual rights) as provided in the plan of merger or, if
37 there is no such provision, as determined by the board of
38 directors.

39 (d) After a plan of merger has been approved by each merging
40 domestic nonprofit corporation and each other merging business



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1 entity as provided in subsection (c) of this section, the
2 surviving business entity shall deliver articles of merger to the
3 Secretary of State for filing. The articles of merger shall set
4 forth:

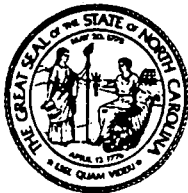
- 5 (1) The plan of merger;
- 6 (2) For each merging business entity, its name, type of
7 business entity, and the state or country whose
8 laws govern its organization and internal affairs;
- 9 (3) The name and address of the surviving business
10 entity; entity and, if the surviving business
11 entity is not authorized to transact business or
12 conduct affairs in this State, a designation of its
13 mailing address and a commitment to file with the
14 Secretary of State a statement of any subsequent
15 change in its mailing address;
- 16 (4) A statement that the plan of merger has been
17 approved by each merging business entity in the
18 manner required by law; and
- 19 (5) The effective date and time of merger if it is not
20 to be effective at the time of filing of the
21 articles of merger.

22 If the plan of merger is amended or abandoned after the
23 articles of merger have been filed but before the articles of
24 merger become effective, the surviving business entity promptly
25 shall deliver to the Secretary of State for filing an amendment
26 to the articles of merger reflecting the amendment or abandonment
27 of the plan of merger.

28 Certificates of merger shall also be registered as provided in
29 G.S. 47-18.1.

30 (e) A merger takes effect when the articles of merger become
31 effective. When a merger takes effect:

- 32 (1) Each other merging business entity merges into the
33 surviving business entity and the separate
34 existence of each merging business entity except
35 the surviving business entity ceases;
- 36 (2) The title to all real estate and other property
37 owned by each merging business entity is vested in
38 the surviving business entity without reversion or
39 impairment;



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- 1 (3) The surviving business entity has all liabilities
2 of each merging business entity;
3 (4) A proceeding pending by or against any merging
4 business entity may be continued as if the merger
5 did not occur, or the surviving business entity may
6 be substituted in the proceeding for a merging
7 business entity whose separate existence ceases in
8 the merger;
9 (5) If a domestic nonprofit corporation is the
10 surviving business entity, its articles of
11 incorporation shall be amended to the extent
12 provided in the plan of merger;
13 (6) The interests in each merging business entity that
14 are to be converted into interests, obligations, or
15 securities of the surviving business entity or into
16 the right to receive cash or other property are
17 thereupon so converted, and the former holders of
18 the interests are entitled only to the rights
19 provided to them in the articles of merger or, in
20 the case of former holders of shares in a domestic
21 business corporation, any rights they may have
22 under Article 13 of Chapter 55 of the General
23 Statutes; and
24 (7) If the surviving business entity is not a domestic
25 business corporation, the surviving business entity
26 is deemed to agree that it will promptly pay to the
27 dissenting shareholders of any merging domestic
28 business corporation the amount, if any, to which
29 they are entitled under Article 13 of Chapter 55 of
30 the General Statutes and otherwise to comply with
31 the requirements of Article 13 as if it were a
32 surviving domestic business corporation in the
33 merger.
34 The merger shall not affect the liability or absence of
35 liability of any holder of an interest in a merging business
36 entity for any acts, omissions, or obligations of any merging
37 business entity made or incurred prior to the effectiveness of
38 the merger. The cessation of separate existence of a merging
39 business entity in the merger shall not constitute a dissolution
40 or termination of the merging business entity.



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1 (e1) If the surviving business entity is not a domestic
2 limited liability company, a domestic business corporation, a
3 domestic nonprofit corporation, or a domestic limited
4 partnership, when the merger takes effect the surviving business
5 entity is deemed:

- 6 (1) To agree that it may be served with process in this
7 State in any proceeding for enforcement of (i) any
8 obligation of any merging domestic limited
9 liability company, domestic business corporation,
10 domestic nonprofit corporation, domestic limited
11 partnership, or other partnership as defined in
12 G.S. 59-36 that is formed under the laws of this
13 State, (ii) the rights of dissenting shareholders
14 of any merging domestic business corporation under
15 Article 13 of Chapter 55 of the General Statutes,
16 and (iii) any obligation of the surviving business
17 entity arising from the merger; and
- 18 (2) ~~If the surviving business entity does not have a~~
19 ~~registered agent in this State, to~~ To have
20 appointed the Secretary of State as its registered
21 agent for service of process in any such proceeding
22 ~~until such time as the surviving business entity~~
23 ~~appoints a registered agent in this State.~~
24 proceeding. Service on the Secretary of State of
25 any such process shall be made by delivering to and
26 leaving with the Secretary of State or with any
27 clerk authorized by the Secretary of State to
28 accept service of process, duplicate copies of such
29 process, process and the fee required by G.S. 55A-
30 1-22(b). Upon receipt of service of process on
31 behalf of a surviving business entity, entity in
32 the manner provided by this section, the Secretary
33 of State shall immediately mail a copy of the
34 process by registered or certified mail, return
35 receipt requested, to the surviving business entity
36 at its address shown in the articles of merger or,
37 if an application for a certificate of withdrawal
38 by reason of merger has been filed, at the address
39 for service of process contained in that
40 application, entity. If the surviving business



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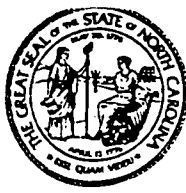
1 entity is authorized to transact business or
2 conduct affairs in this State, the address for
3 mailing shall be its principal office designated in
4 the latest document filed with the Secretary of
5 State that is authorized by law to designate the
6 principal office or, if there is no principal
7 office on file, its registered office. If the
8 surviving business is not authorized to transact
9 business or conduct affairs in this State, the
10 address for mailing shall be the mailing address
11 designated pursuant to subdivision (3) of
12 subsection (d) of this section.

13 (f) This section does not apply to a merger that does not
14 include a merging unincorporated entity.'"; and

15
16 on page 29, lines 24-32,
17 by rewriting the lines to read:
18 ~~"with any clerk having charge of the limited liability company~~
19 ~~department of the Secretary of State's office, authorized by the~~
20 ~~Secretary of State to accept service of process, duplicate copies~~
21 ~~of the process notice, or demand demand and the fee required by~~
22 ~~G.S. 57C-1-22(b). In the event any such process, notice, or~~
23 ~~demand is served on the Secretary of State, State in the manner~~
24 ~~provided for in this section, the Secretary of State shall~~
25 ~~immediately mail one of the copies thereof, by registered or~~
26 ~~certified mail, return receipt requested, to the limited~~
27 ~~liability company at the address indicated in the latest~~
28 ~~communication received by the secretary of State from the limited~~
29 ~~liability company stating the current mailing address of its~~
30 ~~principal office"; and~~

31
32 on page 30, lines 22-37,
33 by rewriting the lines to read:

34 "(2) ~~If the surviving business entity does not have a~~
35 ~~registered agent in this State, to To have~~
36 ~~appointed the Secretary of State as its registered~~
37 ~~agent for service of process in any such proceeding~~
38 ~~until such time as the surviving business entity~~
39 ~~appoints a registered agent in this State.~~
40 proceeding. Service on the Secretary of State of



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1 any such process shall be made by delivering to and
2 leaving with the Secretary of State or with any
3 clerk authorized by the Secretary of State to
4 accept service of process, duplicate copies of such
5 ~~process~~ process and the fee required by G.S. 57C-
6 1-22(b). Upon receipt of service of process on
7 behalf of a surviving business ~~entity~~, entity in
8 the manner provided for in this section, the
9 Secretary of State shall immediately mail a copy of
10 the process by registered or certified mail, return
11 receipt requested, to the surviving business ~~entity~~
12 ~~at its address shown in the articles of merger or,~~
13 ~~if an application for a certificate of withdrawal~~
14 ~~by reason of merger has been filed, at the address~~
15 ~~for service of process contained in that~~
16 ~~application.~~ entity. If the surviving business
17 entity is authorized to transact business or
18 conduct affairs in this State, the address for
19 mailing shall be its principal office designated in
20 the latest document filed with the Secretary of
21 State that is authorized by law to designate the
22 principal office or, if there is no principal
23 office on file, its registered office. If the
24 surviving business is not authorized to transact
25 business or conduct affairs in this State, the
26 address for mailing shall be the mailing address
27 designated pursuant to subdivision (3) of
28 subsection (d) of this section."; and

29
30 on page 31, lines 7-22,
31 by rewriting the lines to read:

32 "(2) ~~If the surviving business entity does not have a~~
33 ~~registered agent in this State, to~~ To have
34 appointed the Secretary of State as its registered
35 agent for service of process in any such ~~proceeding~~
36 ~~until such time as the surviving business entity~~
37 ~~appoints a registered agent in this State.~~
38 proceeding. Service on the Secretary of State of
39 any such process shall be made by delivering to and
40 leaving with the Secretary of State or with any



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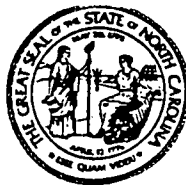
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1 clerk authorized by the Secretary of State to
2 accept service of process, duplicate copies of such
3 ~~process.~~ process and the fees required by G.S. 59-
4 73.7(c). Upon receipt of service of process on
5 behalf of a surviving business ~~entity,~~ entity in
6 the manner provided for in this section, the
7 Secretary of State shall immediately mail a copy of
8 the process by registered or certified mail, return
9 receipt requested, to the surviving business ~~entity~~
10 ~~at its address shown in the articles of merger or,~~
11 ~~if an application for a certificate of withdrawal~~
12 ~~by reason of merger has been filed, at the address~~
13 ~~for service of process contained in that~~
14 ~~application.~~ entity. If the surviving business
15 entity is authorized to transact business or
16 conduct affairs in this State, the address for
17 mailing shall be its principal office designated in
18 the latest document filed with the Secretary of
19 State that is authorized by law to designate the
20 principal office or, if there is no principal
21 office on file, its registered office. If the
22 surviving business is not authorized to transact
23 business or conduct affairs in this State, the
24 address for mailing shall be the mailing address
25 designated pursuant to subdivision (3) of
26 subsection (d) of this section. "; and
27

28 on page 37, line 16,
29 by deleting the word "section" the first time it appears in the
30 sentence and substituting the word "section,"; and
31

32 on page 43, line 37 through page 44, line 28,
33 by rewriting the lines to read:

34 "(40) ~~Computer software and any documentation~~
35 ~~related to the computer software. As used in~~
36 ~~this subdivision, the term "computer software"~~
37 ~~means any program or routine used to cause a~~
38 ~~computer to perform a specific task or set of~~
39 ~~tasks. The term includes system and~~



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~~application programs and database storage and management programs.~~
~~The exclusion established by this subdivision does not apply to computer software and its related documentation if the computer software meets one or more of the following descriptions:~~
a. ~~It is embedded software. "Embedded software" means computer instructions, known as microcode, that reside permanently in the internal memory of a computer system or other equipment and are not intended to be removed without terminating the operation of the computer system or equipment and removing a computer chip, a circuit, or another mechanical device.~~
b. ~~It is purchased or licensed from a person who is unrelated to the taxpayer and it is capitalized on the books of the taxpayer in accordance with generally accepted accounting principles, including financial accounting standards issued by the Financial Accounting Standards Board. A person is unrelated to a taxpayer if (i) the taxpayer and the person are not subject to any common ownership, either directly or indirectly, and (ii) neither the taxpayer nor the person has any ownership interest, either directly or indirectly, in the other.~~
~~This subdivision does not affect the value or taxable status of any property that is otherwise subject to taxation under this Subchapter.~~
~~The provisions of the exclusion established by this subdivision are not severable. If any provision of this subdivision or its application is held~~



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(40)

~~invalid, the entire subdivision is
repealed.~~
Computer software and any documentation
related to the computer software. As used in
this subdivision, the term "computer software"
means any program or routine used to cause a
computer to perform a specific task or set of
tasks. The term includes system and
application programs and database storage and
management programs.

The exclusion established by this
subdivision does not apply to computer
software and its related documentation if the
computer software meets one or more of the
following descriptions:

a. It is embedded software. "Embedded
software" means computer instructions,
known as microcode, that reside
permanently in the internal memory of a
computer system or other equipment and
are not intended to be removed without
terminating the operation of the computer
system or equipment and removing a
computer chip, a circuit, or another
mechanical device.

b. It is purchased or licensed from a person
who is unrelated to the taxpayer and it
is capitalized on the books of the
taxpayer in accordance with generally
accepted accounting principles, including
financial accounting standards issued by
the Financial Accounting Standards Board.
A person is unrelated to a taxpayer if
(i) the taxpayer and the person are not
subject to any common ownership, either
directly or indirectly, and (ii) neither
the taxpayer nor the person has any
ownership interest, either directly or
indirectly, in the other.



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1 This subdivision does not affect the value
2 or taxable status of any property that is
3 otherwise subject to taxation under this
4 Subchapter.
5 The provisions of the exclusion established
6 by this subdivision are not severable. If any
7 provision of this subdivision or its
8 application is held invalid, the entire
9 subdivision is repealed."; and
10
11 on page 51, line 9,
12 by rewriting that line to read:
13 "~~(e) The Energy Division of the Department of Commerce~~
14 ~~Administration shall"; and~~
15
16 on page 51, lines 16-22,
17 by rewriting those lines to read:
18 "§ 114-4.2D. Employment of attorney for Energy Division Energy
19 Policy Council and Energy Efficiency Program of Department of
20 Commerce Administration.
21 The Attorney General shall assign an attorney on his staff to work
22 full time with the Energy Division Policy Council and Energy
23 Efficiency Program of the Department of Commerce Administration.
24 Such attorney shall be subject to all provisions of Chapter 126 of
25 the General Statutes relating to the State Personnel System. Such
26 attorney shall also perform such additional duties as may be
27 assigned to him by the Attorney General.'" ; and
28
29 on page 51, lines 23-28,
30 by deleting those lines; and
31
32 on page 51, lines 36-41,
33 by rewriting those lines to read:
34 "~~(b) The Department of Administration, in consultation with the~~
35 ~~Energy Division, Department of Administration shall, to the extent~~
36 feasible and practicable, develop and implement policies,
37 procedures, and standards to ensure that State purchasing practices
38 improve energy efficiency and take the cost of the product over the
39 economic life of the product into consideration. ~~The Department of~~



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1 ~~Administration, in consultation with the Energy Division, Department~~
2 of Administration shall adopt and implement Building Energy "; and
3
4 on page 52, line 10,
5 by rewriting that line to read:
6 " ~~The Energy Division~~ Department of Administration shall develop a
7 comprehensive energy management program"; and
8
9 on page 52, lines 19-22,
10 by rewriting those lines to read:
11 "(11) Energy-related matters. --- To exercise those
12 powers and perform those duties prescribed in
13 Article 1 of Chapter 113B and Part 1 of Article
14 3B of Chapter 143 of the General Statutes and
15 Parts 2 and 3 of this Article."; and
16
17 on page 52, line 28,
18 by rewriting that line to read:
19 "Part 2. Stocks of Coal and Petroleum Fuels."; and
20
21 on page 52, lines 29-34,
22 by deleting those lines; and
23
24 and on page 52, line 35, through page 55, line 5,
25 by rewriting those lines to read:
26 "§ 143-345.13. Reporting of stocks of coal and petroleum fuels.
27 The Department of Administration may, with the prior express
28 approval of the Energy Policy Council and the Governor, require that
29 all coal and petroleum suppliers in North Carolina supplying coal,
30 motor gasoline, middle distillates, residual oils and propane for
31 resale within the State file with the Department of Administration,
32 on forms prepared by the Department, accurate reports as to the
33 stocks of coal and petroleum products and storage capacities
34 maintained by the supplier, including the supplier's current
35 inventory and stock of coal, motor gasoline, middle distillates,
36 residual oils and propane, the expected time such supplies will last
37 under ordinary distribution demand and the schedule for receiving
38 additional or replacement stocks. The reports and the information
39 contained therein shall be proprietary information available only to
40 regular employees of the Department of Administration, except that



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1 aggregate tables or schedules consolidating information from the
2 reports may be released if they do not reveal individual report data
3 for any named supplier. It is further the intent of this section
4 that no information shall be required from coal and petroleum
5 suppliers, that is, at the time the reports are requested, already
6 on file with any agency, commission, or department of State
7 government.

8 It is the intent of this section that the reports be filed only at
9 such times as the Energy Policy Council and the Governor determine
10 that an energy crisis as defined in G.S. 113B-20 exists or may be
11 imminent.

12 If any petroleum or coal supplier fails to file the accurate
13 reports as may be required by this section for more than 10 days
14 after the date on which any such report is due, the Secretary of
15 Administration is authorized and empowered to petition the district
16 court, Division of the General Court of Justice, in the county in
17 which the principal office or place of business of the supplier is
18 located for a mandatory injunction compelling the supplier to file
19 the report.

20 '§ 143-345.14. Authority to collect data; administration and
21 enforcement; confidentiality.

22 (a) The Department of Administration shall have the authority to
23 obtain from prime suppliers of petroleum products specific petroleum
24 supply data concerning State-level sales and projected sales by
25 month for North Carolina that is currently reported on the federal
26 Form EIA-782C, "Monthly Report of Petroleum Products Sold in States
27 for Consumption" or its successor, at such time that these data
28 requirements are not being met through any federal reporting
29 procedure. The petroleum products subject to this reporting
30 requirement are: finished gasoline (all grades), #1 distillate,
31 kerosene, #2 fuel oil, #2 diesel fuel, aviation gasoline (finished),
32 kerosene-type jet fuel, naphtha-type jet fuel, #4 fuel, residual
33 fuel oil (less than or equal to one percent sulfur), residual fuel
34 oil (greater than one percent sulfur), propane (consumer grade).
35 The authority to collect energy data from suppliers of petroleum
36 products into North Carolina, that is granted to the Department of
37 Administration Division in this section, shall be limited to the
38 petroleum volume data that is reported on the Form EIA-782C or its
39 successor.



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1 (b) 'Prime suppliers' shall be defined as those suppliers which
2 make the first sale of the named product into North Carolina,
3 excluding jobbers, distributors, and retail dealers.

4 (c) The Department of Administration shall adopt rules and
5 regulations for the administration of this data collection program
6 and the Attorney General and the law enforcement authorities of the
7 State and its political subdivisions shall enforce the provisions of
8 this section and all orders, rules, and regulations promulgated
9 thereunder. Any enforcement action may be brought upon the relation
10 of the Department of Administration or the direction of the Attorney
11 General.

12 (d) Any person or corporation who willfully refuses to provide
13 the petroleum supply data in accordance with the conditions
14 described herein, or who knowingly or willfully submits false
15 information in any reports required herein or refuses to file any
16 reports shall be guilty of a Class 1 misdemeanor.

17 (e) Any civil action brought to enforce the provisions of this
18 section shall be brought in the Superior Court of Wake County or in
19 the superior court of the county in which the acts or practices
20 constituting a violation occurred or are occurring.

21 (f) The Department of Administration shall keep confidential any
22 individually identifiable energy information to the extent necessary
23 to comply with the confidentiality requirements of the reporting
24 agency, and any such information shall not be subject to the public
25 disclosure requirements of G.S. 132-6. 'Individually identifiable
26 energy information' shall be defined as any individual record or
27 portion of a record or aggregated data containing energy information
28 about a person or persons obtained from any source, the disclosure
29 of which could reasonably be expected to reveal information about a
30 specific person.

31 'Part 3. Business Energy Improvement Program.

32 '§ 143-345.16. Short title.

33 This Part shall be known as the Business Energy Improvement
34 Program.

35 '§ 143-345.17. Legislative findings and purpose.

36 The General Assembly finds and declares that it is in the best
37 interest of the citizens of North Carolina to promote and encourage
38 energy efficiency within the State's industrial and commercial base
39 in order to conserve energy, promote economic competitiveness, and
40 expand employment in the State.

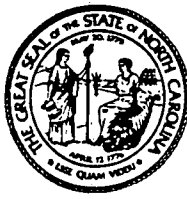


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- 1 '§ 143-345.18. Lead agency; powers and duties.
2 (a) For the purposes of this Part, the ~~Division of Energy~~ of the
3 Department of Administration is designated as the lead State agency
4 in matters pertaining to industrial and commercial energy
5 conservation. *Department*
6 (b) The ~~Division~~ shall have the following powers and duties with
7 respect to this Part:
8 (1) To provide industrial and commercial concerns doing
9 business in North Carolina with information and
10 assistance in undertaking energy conserving capital
11 improvement projects to enhance industrial and
12 commercial capacity.
13 (2) To establish a revolving fund within the ~~Division~~ *Department* for
14 the purpose of providing secured loans in amounts not
15 greater than five hundred thousand dollars (\$500,000)
16 per business entity to install energy-efficient
17 capital improvements within businesses located within
18 or translocating to North Carolina. In providing these
19 loans, priority shall be given to businesses already
20 located in the State.
21 (3) To work with appropriate State and federal agencies to
22 develop and implement rules and regulations to
23 facilitate this program.
24 (c) The annual interest rate charged for the use of the funds
25 from the revolving fund established pursuant to subdivision (b)(2)
26 of this section shall be one-half of the 90-day rate for United
27 States Treasury Bills, not to exceed five percent (5%) per annum,
28 excluding other fees required for loan application review and
29 origination. The term of any loan originated under this section may
30 not be greater than seven years.
31 (d) In accordance with the terms of the Stripper Well Settlement,
32 administrative expenses for activities under this section shall be
33 limited to five percent (5%) of funds appropriated for this
34 purpose.'"; and
35
36 by renumbering the subsections accordingly; and
37
38 on page 61, line 34,
39 by rewriting the line to read:



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1 "(3) The county board of elections may move a
2 precinct line from a township line to another
3 line the Census Bureau has indicated will be a
4 2000 block boundary if a Boundary and
5 Annexation Survey issued during the freeze
6 shows that the township line has moved to a
7 location the county board of elections
8 considers unsuitable. This subdivision does
9 not apply if local legislation enacted by the
10 General Assembly governs the relationship
11 between a county's township lines and precinct
12 lines.
13 (4) The county board of elections shall submit any
14 proposed change"; and
15
16 on page 64, lines 10 through 13,
17 by rewriting the lines to read:
18 "~~c. The guidelines and rules adopted under~~
19 ~~sub-divisions a. and b. of this~~
20 ~~subdivision may cover employees of those~~
21 ~~institutions whose first day of~~
22 ~~employment for the 2000-2001 academic~~
23 ~~year came after January 1, 2000.~~"; and
24
25 on page 64, lines 42 and 43,
26 by inserting between the lines a new subsection to read;
27 "Section 90.(f) Section 11.20(b) of S.L. 2000-67 reads
28 as rewritten:
29 'Section 11.20.(b) Of the funds appropriated in this
30 act to the Department of Health and Human Services, Division of
31 Mental Health, Developmental Disabilities, and Substance Abuse
32 Services, the sum of three hundred twenty-six thousand dollars
33 (\$326,000) for the 2000-2001 fiscal year shall be used to provide
34 funds for a grant-in-aid to Residential Services, Inc. for
35 residential services for children with autism."; and
36
37 on page 65, line 3,
38 by deleting the words "House Bill 979" and substituting the words
39 "House Bill 979, 1999 General Assembly,"; and
40



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1 on page 65, lines 22 through 43,
2 by rewriting those lines to read:

3 "Section 92.1.(a) G.S. 113A-120.2 reads as rewritten:
4 '§ 113A-120.2. Permits for urban waterfront redevelopment in
5 historically urban areas- areas; certain nonwater dependent uses
6 allowed.

7 (a) Notwithstanding any other provision of law, any person may
8 apply to the Commission for a permit for major development
9 granting permission to use the person's land for a nonwater
10 dependent use that is otherwise prohibited by rules, standards,
11 or limitations prescribed by the Commission, or orders issued by
12 the Commission, pursuant to this Article. The procedure to apply
13 for the permit shall be as provided by G.S. 113A-119.

14 (b) Notwithstanding G.S. 113A-120(a), the Commission shall
15 grant a permit for nonwater dependent development in public trust
16 areas designated pursuant to G.S. 113A-113(b)(5) if the following
17 criteria are met:

- 18 (1) The land is waterfront property located in a
19 municipality.
20 (2) The land has a history of urban-level development
21 as evidenced by any of the following:
22 a. The land is a historic place that is listed,
23 or has been approved for listing by the North
24 Carolina Historical Commission, in the
25 National Register of Historic Places pursuant
26 to the National Historic Preservation Act of
27 1966.
28 b. The land is a historical, archaeological, and
29 other site owned, managed, or assisted by the
30 State of North Carolina pursuant to Chapter
31 121 of the General Statutes.
32 c. The land has a central business district
33 zoning classification, or any other
34 classification that may be designated as
35 acceptable by the Commission.
36 (3) The proposed development is sponsored in part or in
37 whole by the local jurisdiction in which the
38 development would be located for the purpose of
39 significantly increasing public access consistent
40 with the Coastal Area Management guidelines.



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- 1 (4) The municipality in which the activity would occur
2 has determined that the development will not have a
3 significant adverse impact on the environment.
- 4 (5) The development as requested is consistent with a
5 local urban waterfront development plan, local
6 development regulations, public access plans, and
7 other applicable local authority.
- 8 (c) Except as otherwise provided by this section, all other
9 provisions of this Article apply to a permit applied for under
10 this section, including the provisions of G.S. 113A-120(b1) and
11 (b2).
- 12 (d) A structure constructed over coastal wetlands, estuarine
13 waters, or public trust areas prior to 1 July 2000 may be used to
14 serve to the public food and drink that is prepared at a food
15 services establishment that began operation on or before 1 July
16 2000.'
- 17 Section 92.1(b) If House Bill 1218, 1999 General
18 Assembly, becomes law, Section 2.2 of House Bill 1218, 1999
19 General Assembly, reads as rewritten:
20 'Section 2.2. The Notwithstanding G.S. 150B-21.3(a) and
21 26 NCAC 2C.0102(11), the Coastal Resources Commission shall adopt
22 a temporary rule providing for and governing urban to establish
23 use standards for waterfront redevelopment in historically
24 development in urban areas- areas to replace G.S. 113A-120.2 when
25 it expires. The temporary rule shall become effective 1 April
26 2001 and shall remain in effect until a permanent rule that
27 replaces the temporary rule becomes effective.'"; and
28
- 29 on page 69, line 30,
30 by rewriting the line to read:
31 "Section 92.2.(e) This section becomes effective
32 December 1, 2000"; and
33
- 34 on page 69, lines 36 through 40,
35 by rewriting the lines to read:
36 "(8) A person employed by or contracting with a
37 not-for-profit community service organization
38 to perform massage and bodywork therapy on
39 persons who are members of the not-for-profit
40 community service organization and are of the



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1 same gender as the person giving the massage
2 or bodywork therapy."; and
3
4 on page 74, lines 18 and 19,
5 by inserting between the lines the following new sections to
6 read:
7 "Section 94. If House Bill 968, 1999 General Assembly,
8 becomes law, G.S. 150B-52, as amended by House Bill 968, 1999
9 General Assembly, reads as rewritten:
10 '§ 150B-52. Appeal; stay of court's decision.
11 A party to a review proceeding in a superior court may appeal
12 to the appellate division from the final judgment of the superior
13 court as provided in G.S. 7A-27. The scope of review to be
14 applied by the appellate court under this section is the same as
15 it is for other civil cases. In cases reviewed under ~~G.S.~~
16 ~~150B-51(a)(3)~~, G.S. 150B-51(c), the court's findings of fact
17 shall be upheld if supported by substantial evidence. Pending
18 the outcome of an appeal, an appealing party may apply to the
19 court that issued the judgment under appeal for a stay of that
20 judgment or a stay of the administrative decision that is the
21 subject of the appeal, as appropriate.'
22 Section 95.(a) G.S. 143B-472.70, as enacted by Section
23 7.8 of S.L. 2000-67, is recodified as G.S. 143-48.3.
24 Section 95.(b) Part 17 of Article 10 of Chapter 143B,
25 as enacted by Section 7.8 of S.L. 2000-67, is repealed.
26 Section 96. Section 4 of S.L. 2000-24 reads as
27 rewritten:
28 'Section 4. No portion of the Riverbend Steam Station Property
29 as described in Section 3 of this act and no portion of the
30 Mountain Island Power House and Dam described in Section 3 of
31 this act shall be subject to involuntary ~~annexation, or~~
32 ~~designation as an urban tax district or otherwise subjected to~~
33 ~~the power of a municipal taxing authority~~ annexation by the City
34 of Mount Holly or any other town or municipality or consolidated
35 government, if provided under the terms of said agreement as
36 referred to in Section 1 of this act. The City of Mount Holly
37 shall not impose any tax on the said portion of the Riverbend
38 Steam Station as described in Section 3 of this act or on the
39 said portion of the Mountain Island Power House and Dam described
40 in Section 3 of this act until the effective date of the



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1 involuntary annexation, if provided under the terms of said
2 agreement as referred to in Section 1 of this act.'

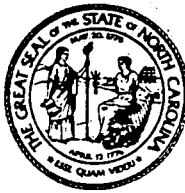
3 Section 97. If Senate Bill 1305, 1999 General Assembly,
4 and Senate Bill 1266, 1999 General Assembly, both become law,
5 then effective when Part 1 of Senate Bill 1305, 1999 General
6 Assembly, becomes effective, G.S. 66-308.15(d), as enacted by
7 Senate Bill 1266, 1999 General Assembly, reads as rewritten:
8 '(d) Except as otherwise agreed, a person having control of a
9 transferable record is the holder, as defined in G.S. 25-1-
10 201(20), of the transferable record and has the same rights and
11 defenses as a holder of an equivalent record or writing under
12 Chapter 25 of the General Statutes, including, if the applicable
13 statutory requirements under G.S. 25-3-302(a), 25-7-501, or
14 ~~25-9-308~~ 25-9-330 are satisfied, the rights and defenses of a
15 holder in due course, a holder to which a negotiable document of
16 title has been duly negotiated, or a purchaser, respectively.
17 Delivery, possession, and endorsement are not required to obtain
18 or exercise any of the rights under this subsection.'

19 Section 98. If Senate Bill 897, 1999 General Assembly,
20 becomes law, then Article 37, as enacted by Senate Bill 897, 1999
21 General Assembly, is recodified as Article 39, and G.S. 90-646
22 through 90-649, as enacted in Senate Bill 897, 1999 General
23 Assembly, are recodified as G.S. 90-671 through 90-674,
24 respectively. The Codifier of Statutes shall make conforming
25 corrections to the internal citations of statutes affected by
26 this section.

27 Section 99.(a) If Senate Bill 1215, 1999 General
28 Assembly, and House Bill 1804, 1999 General Assembly, both become
29 law, G.S. 143B-253(2), as amended by Senate Bill 1215, 1999
30 General Assembly, reads as rewritten:

31 '(2) The Social Services Commission shall have the
32 power and duty to establish standards and
33 adopt rules and regulations:

34 a. For the programs of public assistance
35 established by federal legislation and by
36 Article 2 of Chapter 108A of the General
37 Statutes of the State of North Carolina
38 with the exception of the program of
39 medical assistance established by G.S.
40 108A-25(b);



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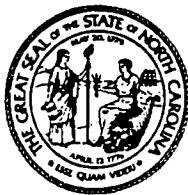
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- 1 b. To achieve maximum cooperation with other
2 agencies of the State and with agencies
3 of other states and of the federal
4 government in rendering services to
5 strengthen and maintain family life and
6 to help recipients of public assistance
7 obtain self-support and self-care;
- 8 c. For the placement and supervision of
9 dependent juveniles and of delinquent
10 juveniles who are placed in the custody
11 of the ~~Office of Juvenile Justice,~~
12 Department of Juvenile Justice and
13 Delinquency Prevention, and payment of
14 necessary costs of foster home care for
15 needy and homeless children as provided
16 by G.S. 108A-48;
- 17 d. For the payment of State funds to private
18 child-placing agencies as defined in G.S.
19 131D-10.2(4) and residential child care
20 facilities as defined in G.S. 131D-
21 10.2(13) for care and services provided
22 to children who are in the custody or
23 placement responsibility of a county
24 department of social services; and
- 25 e. For client assessment and independent
26 case management pertaining to the
27 functions of county departments of social
28 services for public assistance programs
29 authorized under paragraph a. of this
30 subdivision.'

31 Section 99.(b) If Senate Bill 1215, 1999 General
32 Assembly, and House Bill 1804, 1999 General Assembly, both become
33 law, Section 4(dd) of House Bill 1804, 1999 General Assembly, is
34 repealed.

35 Section 100. G.S. 20-309(a) reads as rewritten:
36 '(a) No motor vehicle shall be registered in this State unless
37 the owner at the time of registration has financial
38 responsibility for the operation of such motor vehicle, as
39 provided in this Article. The owner of each motor vehicle



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1 registered in this State shall maintain financial responsibility
2 continuously throughout the period of registration.

3 (al) An owner of a commercial motor vehicle, as defined in
4 G.S. 20-4.01(3d), shall have financial responsibility for the
5 operation of the motor vehicle ~~as required by this section. The~~
6 ~~financial responsibility for a commercial motor vehicle shall be~~
7 in an amount equal to that required for for-hire carriers
8 transporting nonhazardous property in interstate or foreign
9 commerce in 49 C.F.R. §§ 387.3, 387.5, 387.7, and 387.11 for
10 for-hire or private motor vehicles transporting property in
11 interstate or intrastate commerce. 49 C.F.R. § 387.9.'

12 Section 101.(a) G.S. 55-5-01(a)(2) reads as rewritten:

13 "(2) A registered agent, who shall be (i) an individual
14 who resides in this State and whose business office
15 is identical with the registered office; (ii) a
16 domestic corporation or corporation, nonprofit
17 domestic corporation corporation, or limited
18 liability company whose business office is
19 identical with the registered office; or (iii) a
20 foreign corporation or corporation, nonprofit
21 foreign corporation corporation, or limited
22 liability company authorized to transact business
23 or conduct affairs in this State whose business
24 office is identical with the registered office."

25 Section 101.(b) G.S. 55-10-03(d) reads as rewritten:

26 "(d) The corporation shall notify each ~~shareholder~~
27 shareholder, whether or not the shareholder is entitled to ~~vote~~
28 vote, of the proposed shareholders' meeting in accordance with
29 G.S. 55-7-05. The notice of meeting must state that the purpose,
30 or one of the purposes, of the meeting is to consider the
31 proposed amendment and the notice must contain or be accompanied
32 by a copy or summary of the amendment."

33 Section 101.(c) G.S. 55-15-07(a)(2) reads as rewritten:

34 "(2) A registered agent, who shall be (i) an individual
35 who resides in this State and whose business office
36 is identical with the registered office; (ii) a
37 domestic corporation corporation, or nonprofit
38 domestic corporation corporation, or limited
39 liability company whose business office is
40 identical with the registered office; or (iii) a



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- 1 ~~foreign corporation~~ corporation, or foreign
2 ~~nonprofit corporation~~ corporation, or limited
3 ~~liability company~~ authorized to transact business
4 or conduct affairs in this State whose business
5 office is identical with the registered office."
6 Section 101.(d) G.S. 55A-5-01(a)(2) reads as rewritten:
7 "(2) A registered agent, who shall be:
8 a. An individual who resides in this State and
9 whose office is identical with the registered
10 office;
11 b. A domestic business ~~corporation, or~~ nonprofit
12 ~~corporation~~ corporation, or limited liability
13 company whose office is identical with the
14 registered office; or
15 c. A foreign business ~~corporation, or~~ nonprofit
16 ~~corporation~~ corporation, or limited liability
17 company authorized to transact business or
18 conduct affairs in this State whose office is
19 identical with the registered office."
20 Section 101.(e) G.S. 55A-15-07(a)(2) reads as rewritten:
21 "(2) A registered ~~agent; agent,~~ who shall be: (i) an
22 individual who resides in this State and whose
23 office is identical with the registered office;
24 (ii) a domestic business ~~corporation, or~~ nonprofit
25 ~~corporation~~ corporation, or limited liability
26 company whose office is identical with the
27 registered office; or (iii) a foreign business
28 ~~corporation, or nonprofit corporation,~~
29 or limited liability company authorized to transact
30 business or conduct affairs in this State whose
31 office is identical with the registered office."
32 Section 101.(f) G.S. 55B-9(b) reads as rewritten:
33 "(b) Liability. -- A shareholder, a director, or an officer of
34 a professional corporation is not individually liable, directly
35 or indirectly, including by indemnification, contribution,
36 assessment, or otherwise, for the debts, obligations, and
37 liabilities of, or chargeable to, the professional corporation
38 that arise from errors, omissions, negligence, malpractice,
39 incompetence, or malfeasance committed by another shareholder,
40 director, or officer or by a representative of the professional



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1 corporation; provided, however, nothing in this Chapter shall
2 affect the liability of a shareholder, director, or officer of a
3 professional corporation for his or her own errors, omissions,
4 negligence, malpractice, incompetence, or malfeasance committed
5 in the rendering of professional services. ~~This subsection does
6 not affect the joint and several liability of a shareholder, a
7 director, or an officer of a professional corporation for any
8 taxes owed by the professional corporation under Chapter 105 of
9 the General Statutes or Article 3 of Chapter 119 of the General
10 Statutes.~~"

11 Section 101.(g) G.S. 57C-2-40(a) reads as rewritten:
12 "(a) Each limited liability company must continuously maintain
13 this State:

- 14 (1) A registered office that may be the same as any of its
15 places of business; and
16 (2) A registered agent, who shall be (i) an individual who
17 resides in this State and whose business office is
18 identical with the registered office; (ii) a domestic
19 corporation, nonprofit corporation, or limited
20 liability company whose business office is identical
21 with the registered office; or (iii) a foreign
22 corporation, nonprofit corporation, or limited
23 liability company authorized to transact business or
24 conduct affairs in this State whose business office is
25 identical with the registered office."

26 Section 101.(h) G.S. 57C-7-07(a) reads as rewritten:
27 "(a) Each foreign limited liability company authorized to
28 transact business in this State must continuously maintain in this
29 State:

- 30 (1) A registered office that may be the same as any of its
31 places of business; and
32 (2) A registered agent, who shall be (i) an individual who
33 resides in this State and whose business office is
34 identical with the registered office; (ii) a domestic
35 corporation, nonprofit corporation, or limited
36 liability company whose business office is identical
37 with the registered office; or (iii) a foreign
38 corporation, nonprofit corporation, or limited
39 liability company authorized to transact business or



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1 conduct affairs in this State whose business office is
2 identical with the registered office.

3 Section 101.(i) G.S. 57C-7-12(a) reads as rewritten:

4 "(a) Whenever a foreign limited liability company authorized to
5 transact business in this State ceases its separate existence as a
6 result of a statutory ~~merger, consolidation, or conversion merger or~~
7 consolidation permitted by the laws of the state or country under
8 which it was organized, or converts into another type of entity as
9 permitted by those laws, the surviving or resulting entity shall
10 apply for a certificate of withdrawal for the foreign limited
11 liability company by delivering to the Secretary of State for filing
12 a copy of the articles of merger, consolidation, or conversion or a
13 certificate reciting the facts of the merger, consolidation, or
14 conversion, duly authenticated by the Secretary of State or other
15 official having custody of limited liability company records in the
16 state or country under the laws of which the foreign limited
17 liability company was organized. If the surviving or resulting
18 entity is not authorized to transact business in this State, the
19 articles or certificate must be accompanied by an application which
20 must set forth:

- 21 (1) The name of the foreign limited liability company
22 authorized to transact business in this State, the
23 type of entity and name of the surviving or resulting
24 entity, and a statement that the surviving or
25 resulting entity is not authorized to transact
26 business in this State;
27 (2) A statement that the surviving or resulting entity
28 consents that service of process based upon any cause
29 of action arising in this State, or arising out of
30 business transacted in this State, during the time the
31 foreign limited liability company was authorized to
32 transact business in this State, may thereafter be
33 made by service thereof on the Secretary of State;
34 (3) A mailing address to which the Secretary of State may
35 mail a copy of any process served on him under
36 subdivision (a)(2) of this section; and
37 (4) A commitment to ~~notify~~ file with the Secretary of
38 State ~~in the future~~ a statement of any change in its
39 subsequent mailing address."

40 Section 101.(j) G.S. 59-31 reads as rewritten:



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1 "§ 59-31. Name of Article.

2 ~~This Article~~ Articles 2 through 4A, inclusive, of this Chapter
3 shall be known and may be cited as the North Carolina Uniform
4 Partnership Act."

5 Section 101.(k) G.S. 59-32 is amended by adding a new
6 subdivision to read:

7 "§ 59-32. Definition of terms.

8 As used in this Chapter, except as otherwise defined in Article 5
9 of this Chapter for purposes of that Article, unless the context
10 otherwise requires:

11 (01) 'Act' means the North Carolina Uniform Partnership Act
12 and refers to all provisions therein."

13 Section 101.(l) G.S. 59-34 reads as rewritten:

14 "§59-34. Rules of construction.

15 (a) The rule that statutes in derogation of the common law are to
16 be strictly construed shall have no application to this ~~Article-~~
17 ~~Act.~~

18 (b) The law of estoppel shall apply under this ~~Article-~~ Act.

19 (c) The law of agency shall apply under this ~~Article-~~ Act.

20 (d) This Article shall be so interpreted and construed as to
21 effect its general purpose to make uniform the law of those states
22 which enact it.

23 (e) This Article and the other provisions of this Act shall not be
24 construed so as to impair the obligations of any contract existing
25 when the Article or any other provision of this Act, as applicable,
26 goes into effect, nor to affect any action or proceedings begun or
27 right accrued before this Article or any other provision of this
28 Act, as applicable, takes effect."

29 Section 101.(m) G.S. 59-35 reads as rewritten:

30 "§59-35. Rules for cases not provided for in this Article- Act.

31 In any case not provided for in this ~~Article~~ Act, the rules of law
32 and equity, including the law merchant, shall govern."

33 Section 101.(n) The Revisor of Statutes shall change the
34 term "Article" to "Act" wherever it occurs in G.S. 59-33, G.S. 59-
35 41, G.S. 59-55, and G.S. 59-58.

36 Section 101.(o) G.S. 59-77 reads as rewritten:

37 "§59-77. When personal representative may take inventory; receive

38 If the surviving partner should neglect or refuse to have such
39 inventory made, the personal representative of the deceased partner
40 may have the same made in accordance with the provisions of G.S. 59-



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1 76. Should any surviving partner fail to take such an inventory or
2 refuse to allow the personal representative of the deceased
3 partner's estate to do so, such personal representative of the
4 deceased partner's estate may forthwith apply to a court of
5 competent jurisdiction for the appointment of a receiver for such
6 partnership, who shall thereupon proceed to wind up the same and
7 dispose of the assets thereof in accordance with law."

8 Section 101.(p) G.S. 59-105(a) reads as rewritten:

9 "§ 59-105. Registered office and registered agent.

10 (a) Each limited partnership shall have and continuously
11 maintain in this State:

12 (1) A registered ~~office, which office that may be, but~~
13 ~~need not be,~~ be the same as any of its place places
14 of business;

15 (2) A registered agent, ~~which agent may who shall be~~
16 ~~either~~ an individual resident of this State whose
17 business office is identical with such registered
18 office, or, office; (ii) a domestic corporation,
19 nonprofit corporation, or limited liability company
20 whose business office is identical with such
21 registered office; or, (iii) a foreign
22 corporation, nonprofit corporation, or
23 limited liability company authorized to transact
24 business or conduct affairs in this State, having a
25 whose business office is identical with such
26 registered office.

27 The sole duty of the registered agent to the limited
28 partnership is to forward to the limited partnership at its last
29 known address any notice, process, or demand that is served on
30 the registered agent."

31 Section 101.(q) G.S. 59-907(b) reads as rewritten:

32 "(b) The failure of a foreign limited partnership to obtain a
33 certificate of authority to transact business in this State shall
34 not impair the validity of any contract or act of the foreign
35 limited partnership and shall not prevent the foreign limited
36 partnership from defending any action or proceeding in any court
37 of this State."

38 Section 101.(r) G.S. 59-1053(5) reads as rewritten:

39 "(5) The interests in the converting business entity
40 that are to be converted into interests,



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Principal Clerk)

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1 obligations, or securities of the resulting
2 domestic limited partnership or into the right to
3 receive cash or other property are thereupon so
4 converted, and the former holders of interests in
5 the converting business entity are entitled only to
6 the rights provided in the plan of conversion."
7 Section 101.(s) Section 7 of S.L. 99-189 reads as
8 rewritten:
9 "Section 7. This act is effective when it becomes law,
10 applies to limited liability companies in existence or formed on
11 or after ~~January 1, 1999~~, the date the act becomes law, and
12 applies to actions commenced on or after October 1, 1999."
13
14 and by renumbering the remaining section accordingly.

SIGNED _____
Amendment Sponsor

SIGNED _____
Committee Chair if Senate Committee Amendment

ADOPTED _____

FAILED _____

TABLED _____

PLEASE PRESS HARD - 5 COPIES

NORTH CAROLINA GENERAL ASSEMBLY AMENDMENT

(Please type or use ballpoint pen)

EDITION No. _____

H. B. No. _____

DATE _____

S. B. No. 1335

Amendment No. 2

(to be filled in by
Principal Clerk)

COMMITTEE SUBSTITUTE _____

Rep.)

Sen.)

Wackrow

1 moves to amend the bill on page _____, line _____

2 () WHICH CHANGES THE TITLE

3 by ~~rewriting~~ C.S. 136-18 (15)

4 ~~as follows:~~ reads as rewritten:

5

6

8

9

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18

" (15) The Department of Transportation shall have authority to provide facilities for the use of waterborne traffic and recreational users by establishing connections between the highway system and the navigable and non-navigable waters of the State by means of connecting roads and piers. "

SIGNED

Wackrow

ADOPTED _____ FAILED _____ TABLED _____

PLEASE PRESS HARD - 5 COPIES

NORTH CAROLINA GENERAL ASSEMBLY AMENDMENT

(Please type or use ballpoint pen)

EDITION No. _____

H. B. No. ~~1335~~ _____

DATE 7-12-00

S. B. No. 1335 _____

Amendment No. 3

(to be filled in by
Principal Clerk)

COMMITTEE SUBSTITUTE _____

Rep.) _____

~~Sen.)~~ _____

1 moves to amend the bill on page _____, line _____

2 () WHICH CHANGES THE TITLE

3 by _____

4 Adding A New section to READ:

5 "If House Bill 1508 becomes law,

6 then Section 6 of House Bill 1508

7 reads as rewritten: "Section 6, Section

8 5 of this Act applies to permits issued

9 or renewed on or after August 1, 2000.

10 The remainder of this act is effective

11 August 1, 2000."

12 _____

13 _____

SIGNED JW Crawford Jr.



NORTH CAROLINA GENERAL ASSEMBLY
AMENDMENT

AMENDMENT NO. 4
(to be filled in by
Principal Clerk)
Page 1 of

59-84.2(I)

Date _____, 2000

Comm. Sub. []
Amends Title []

Representative AMENDMENT S1335-ARU-III 7+8 BY INSERTING BETWEEN THE LINES,
1 moves to amend the ~~bill~~ on page 29, lines 7+8, by adding the following new
2 subsection:
3 Section *. G.S. 59-84.2 is amended by adding a new
4 subsection to read:
5 "(i) The registered agent of a registered limited liability
6 partnership for service of process must be (i) an individual who is
7 a resident of this State and whose business office is identical with
8 the registered office; (ii) a domestic corporation, nonprofit
9 corporation, or limited liability company whose business office is
10 identical with the registered office; or (iii) a foreign
11 corporation, nonprofit corporation, or limited liability company
12 authorized to transact business or conduct affairs in this State
13 whose business office is identical with the registered office. The
14 sole duty of the registered agent to the registered limited
15 liability partnership is to forward to the registered limited
16 liability partnership at its last known address any notice, process,
17 or demand that is served on the registered agent."

SIGNED [Signature]
Amendment Sponsor

SIGNED _____
Committee Chair if Senate Committee Amendment

ADOPTED _____ FAILED _____ TABLED _____

PLEASE PRESS HARD - 5 COPIES

NORTH CAROLINA GENERAL ASSEMBLY AMENDMENT

(Please type or use ballpoint pen)

EDITION No. _____

H. B. No. _____

DATE _____

S. B. No. S1335-ARU-111

Amendment No. 5

(to be filled in by
Principal Clerk)

COMMITTEE SUBSTITUTE _____

Rep.
)
Sen.)

Amendment # S1335-ARU-111

1 moves to amend the bill on page ~~24~~ 23, line 35

2 () WHICH CHANGES THE TITLE

3 by REWRITING the line to read:

4 "Section 100(a) G.S. 20-309(a) Reads AS REWRITTEN:"

5
6 and moves to amend the Amendment on Page 24, lines 11-12
by inserting an new section to read:

8 "Section 100(b) This section ~~shall~~ becomes effective
9 September 1, 2000, and applies to New or Renewal
10 policies written to become effective on or after that
11 date."

12
13
14
15
16
17
18

SIGNED JW Crawford Jr

VISITOR REGISTRATION SHEET

Rules 7/12/00
 Name of Committee Date

VISITORS: PLEASE SIGN BELOW AND RETURN TO COMMITTEE CLERK

<u>NAME</u>	<u>FIRM OR AGENCY AND ADDRESS</u>
JP SW	ncfb
John Polistico	"
Jamy Fullbright	AT & T
Alvin Mills	Stanton Williams
Paul Stock	Banks & Dixon
Butch Gynnells	NC Bankers Assn
Patricia A. Young	NC Soft Drink Assn
Willy Funch	APPCWC
in Home	DHHS
A II Jones	NCCCS
Sara Singleton	Goanin Office
BRUCE THOMPSON	PARKER BOE ADAMS & BERNSTON
Michelle English	Charlotte Chamber
Stephanie Mannin	NC Assoc. of Realtors
Robert PASchal	Young, Moore & Henderson
Sharon Weaver	AG's Office
Ruth Sappie	NCDOT
Deborah Johnson	NCSPA
Sharon Miller	CUCA
Deborah Pers	ACLU
BILL SUGGIN	KENNEDY COUNTRYSIDE
JERRY SCHILL	NCFA
Patricia Smith	Freedom News
ALYSSA GSELL	NE ACLU
Greg Owens	Accu-Net
Amigo Bar	NAMS
Stacy Flannery	NCHFA
Lou B. Miller	NEA CTC 7
Mickey Mouse	Disneyworld

**2000 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES**

The following report(s) from standing committee(s) is/are presented:

By Representative(s)
for the Committee on **RULES, CALENDAR AND OPERATIONS OF THE HOUSE.**

Committee Substitute for
S.B. 1335 A BILL TO BE ENTITLED AN ACT TO MAKE TECHNICAL CORRECTIONS
AND CONFORMING CHANGES TO THE GENERAL STATUTES AS
RECOMMENDED BY THE GENERAL STATUTES COMMISSION, TO MAKE OTHER
TECHNICAL AND CONFORMING CHANGES, AND TO AMEND LAWS RELATING
TO URBAN WATERFRONT DEVELOPMENT AND THE CLASSIFICATION OF
GAMMA HYDROXYBUTYRIC ACID (GHB) AS A CONTROLLED SUBSTANCE.

- With a favorable report.
- With a favorable report and recommendation that the bill be re-referred to the Committee on
Appropriations Finance .
- With a favorable report, as amended.
- With a favorable report, as amended, and recommendation that the bill be re-referred to the
Committee on Appropriations Finance .
- With a favorable report as to committee substitute bill (#), which changes the title,
unfavorable as to (original bill) (Committee Substitute Bill #), (and recommendation
that the committee substitute bill #) be re-referred to the Committee on .)
- With a favorable report as to House committee substitute bill, unfavorable as to Senate
committee substitute bill.
- With an unfavorable report.
- With recommendation that the House concur.
- With recommendation that the House do not concur.
- With recommendation that the House do not concur; request conferees.
- With recommendation that the House concur; committee believes bill to be material.
- With an unfavorable report, with a Minority Report attached.
- Without prejudice.
- With an indefinite postponement report.
- With an indefinite postponement report, with a Minority Report attached.
- With recommendation that it be adopted. (HOUSE RESOLUTION ONLY)

5/25/00

**2000 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES**

The following report(s) from standing committee(s) is/are presented:

By Representative(s) **Culpepper** for the Committee on **RULES, CALENDAR AND OPERATIONS OF THE HOUSE.**

Committee Substitute for

S.B. 1385 A BILL TO BE ENTITLED AN ACT TO APPOINT PERSONS TO VARIOUS PUBLIC OFFICES UPON THE RECOMMENDATION OF THE PRESIDENT PRO TEMPORE OF THE SENATE AND TO MAKE CHANGES IN THE LAW RELATING TO APPOINTMENTS TO PUBLIC OFFICE.

- With a favorable report.
- With a favorable report and recommendation that the bill be re-referred to the Committee on Appropriations Finance .
- With a favorable report, as amended.
- With a favorable report, as amended, and recommendation that the bill be re-referred to the Committee on Appropriations Finance .
- With a favorable report as to committee substitute bill (#), which changes the title, unfavorable as to (original bill) (Committee Substitute Bill #), (and recommendation that the committee substitute bill #) be re-referred to the Committee on .)
- With a favorable report as to House committee substitute bill (~~#~~), which changes the title, unfavorable as to Senate committee substitute bill.
- With an unfavorable report.
- With recommendation that the House concur.
- With recommendation that the House do not concur.
- With recommendation that the House do not concur; request conferees.
- With recommendation that the House concur; committee believes bill to be material.
- With an unfavorable report, with a Minority Report attached.
- Without prejudice.
- With an indefinite postponement report.
- With an indefinite postponement report, with a Minority Report attached.
- With recommendation that it be adopted. (HOUSE RESOLUTION ONLY)

5/25/00

MINUTES OF THE COMMITTEE ON RULES, CALENDAR AND OPERATIONS OF
THE HOUSE

July 13, 2000

The Committee on Rules, Calendar and Operations of the House met on July 13, 2000 at 4:35 p.m. in Room 421 of the Legislative Office Building. The following members were present: Representatives Culpepper, Chairman; Hackney, Vice Chairman; Alexander, Allen, Crawford, Gulley, Hill, Jarrell, Luebke, McCombs, Michaux, Nye, Tolson, Wood and Yongue.

The following bills were considered:


The chairman presented a list of bills to the committee, a copy of which is attached herewith, with the request that they be postponed indefinitely. Representative Nye made the motion, and the motion carried.

SENATE JOINT RESOLUTION 1558 – A JOINT RESOLUTION PROVIDING FOR ADJOURNMENT SINE DIE OF THE GENERAL ASSEMBLY. A proposed committee substitute changing the date of adjournment was offered. Representative Yongue moved for adoption of the proposed committee substitute for the purpose of discussion. Without objection, it was so ordered. Representative Yongue made a motion that the proposed committee substitute be given a favorable report, unfavorable as to the original joint resolution. The motion passed.

There being no further business, the meeting adjourned at 4:55 p.m.



Representative Bill Culpepper, Chairman



Dorothy C. Crocker, Committee Assistant

**2000 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES**

The following report(s) from standing committee(s) is/are presented:

By Representative(s) **Culpepper** for the Committee on **RULES, CALENDAR AND
OPERATIONS OF THE HOUSE.**

The following bills:

With an indefinite postponement report.

H0018	CRIMINAL TAX PENALTY TO HOME COUNT
H0027	EMER. SHELTER/HEALTH FACIL. IMMUN
H0039	D/C PENSION PLAN STUDY
H0042	1999 N. C. LOTTERY
H0046	1999 LOTTERY FOR EDUCATION
H0060	LONG-TERM CARE SAFETY INITIATIVE
H0071	1999 LOTTERY FOR EDUCATION-2
H0094	SUPERIOR COURT DIVISION ELECTIONS
H0098	FOUR YEAR TERMS
H0102	STUDY MEDICAID RECOVERY POLICY
H0118	COASTAL STUDY
H0119	ECONOMIC DEVELOPMENT EMINENT DOMAIN
H0122	STUDY UCC ARTICLE 9
H0137	REAUTHORIZE LRC ON WASTEWATER PERM
H0181	GENERAL LAW CHANGE - 2
H0182	GENERAL LAW CHANGE - 3
H0187	GENERAL LAW CHANGE - 4
H0200	SLAYER/FORFEITURE OF PROP. RIGHTS
H0220	RESID. CHILD CARE FACILITIES
H0223	STUDY PROP TAX HOMESTEAD EXEMP
H0227	MOBILE HEALTH OUTREACH
H0234	LOCAL APPOINTEES MUST BE VOTERS
H0241	UNC-2
H0242	UNC-3
H0243	UNC-4
H0252	CONSUMER PROTECTION STUDY
H0264	SMALL GAME HUNTING
H0269	MONTGOMERY LOCAL FUNDS
H0270	STANLY LOCAL FUNDS
H0271	ANSON LOCAL FUNDS
H0295	FEDERAL PATIENTS' RIGHTS
H0297	LONG-TERM CARE/SERVICE DELIVERY
H0298	STUDY CONDITIONAL RELEASE
H0307	INFO TECH PORTFOLIO MGMT ACT
H0309	COMMUNITY COLLEGES - 1
H0310	COMMUNITY COLLEGES - 2
H0324	LRC STUDY EMPLOYMENT SECURITY
H0329	UNIFORM RABIES VACCINATION STUDY
H0330	N. C. WORKFORCE DEVELOPMENT
H0387	HONORING WADE MATHENY
H0406	LIVING WILL REGISTRY STUDY
H0408	CUMBERLAND LOCAL SALES TAX
H0424	STUDY EARLY RETIREMENT OPTION
H0433	48TH HOUSE DIST. FUNDS - 1
H0434	48TH HOUSE DIST. FUNDS - 2
H0444	POLK DELINQUENT TAXES
H0448	HONORING A. D. GUY

H0453 UNION SALES TAX FOR SCHOOLS
H0489 HAYWOOD LOCAL SALES TAX
H0491 CONSOL. CORP. INCOME TAX STUDY
H0506 DENTAL HYGIENISTS
H0528 UNION COUNTY IMPACT FEES
H0534 RETAIN CLEVELAND CORR. CENTER
H0536 STUDY HIGH SCHOOL GRAD. STANDARDS
H0537 ADULT EDUCATION PROGRAM STUDY
H0591 VETERANS CEMETERIES TRUSTEE
H0595 RABIES VACCINE/DOG OWNER ADMIN
H0596 EQUITY IN APPOINTMENTS
H0613 FOUR COUNTY REVENUE OPTIONS MENU
H0624 DUPLIN LOCAL SALES TAX
H0627 CONTINUE DEVEL. DISAB. STUDY
H0672 VARIOUS LOCAL OCCUPANCY TAXES
H0676 GRAHAM, SWAIN LOCAL SALES TAX
H0683 LRC STUDY CHILD CARE SUBSIDY
H0713 MENTAL HEALTH PARITY STUDY
H0735 ROBESON LOCAL SALES TAX
H0739 WASHINGTON COUNTY LOCAL ACT - 1
H0754 SCOTLAND LOCAL SALES TAX
H0756 MOORE SALES TAX FOR SCHOOLS
H0762 STANLY SALES TAX FOR SCHOOLS
H0785 JACKSON LOCAL SALES TAX
H0789 HIGHWAY UTILITY NONBETTERMENT STU
H0799 MORRISVILLE TRANSPORT IMPACT FEES
H0814 FINANCIAL IDENTITY FRAUD
H0827 GARNER TRANSP. IMPACT FEES
H0843 MOORE COMMISSIONERS DISTRICTS
H0854 PITT 1% SALES TAX/CAPITAL
H0888 HONOR LATTIMORE
H0891 HOKE LOCAL SALES TAX
H0903 MENTAL HEALTH/CONTINUATION BUDGET
H0909 STUDY LICENSURE COMPLIANCE
H0928 FLORIDE LIMITATIONS
H0932 REAL PROPERTY LAW CHANGES
H0934 ESTABLISH DOMESTIC VIOLENCE COMMN.
H0941 DOT TOLL ROAD STUDY
H0942 CHILD PERFORMERS STUDY
H0946 ALIENATION OF AFFECTION
H0953 STUDY SEAFOOD LABELING
H0966 RAILROAD CORRIDOR ECONOMIC
H0986 ENVIRONMENTAL LAWS - 1
H0987 AMEND ENVIRONMENTAL LAWS
H0988 ENVIRONMENTAL LAW AMENDED
H1001 ENVIRONMENTAL LAWS - 2
H1003 ENVIRONMENT/NATURAL RES. ACT - 2
H1007 URGE FOOD QUALITY PROTECTION ACT I
H1014 STUDY GRIEVANCE PROCESS
H1020 SAFETY PROFESSIONALS
H1041 STUDY INCOME TAX BURDEN
H1044 INNOVATIVE HIGHWAY FUNDING
H1047 COMMERCIAL REALTOR LIEN STUDY
H1055 RADIATION PROTECTION ACT
H1057 MORTGAGE CREDITS STUDY
H1073 ELECTION LAW CHANGES - 2
H1097 LONGER SCHOOL YEAR STUDY
H1108 DENR BURNING PERMITS STUDY
H1116 MINORITY AND AT-RISK STUDENT/STUDY
H1118 LIMIT LIABILITY/DEFIBRILLATORS
H1124 TOWNHOME ASSOCIATION REG. STUDY
H1141 LIMIT ON ENHANCED 911 SERVICE CHAR
H1144 NEED CONSENT TO TAPE COMMUNICATION

H1158 STATE EMPLOYEE COMP. STUDY
H1162 STATE LEG. TUITION GRANTS
H1163 CHILD HEALTH INSURANCE INCENTIVE
H1164 ENERGY SAVINGS CONTRACTS STUDY
H1170 DPI CONSTRUCTION ASSISTANCE/STUDY
H1174 HOUSING LAW CHANGES
H1175 LOCAL PESTICIDE NOTICE
H1177 LOCKSMITH LICENSURE - 2
H1195 SPECIAL NEEDS COMMISSION MODIFIED
H1198 S. E. COMPACT
H1199 AMEND UTILITIES LAW
H1201 ENVIRONMENTAL EXCELLENCE AGREEMENT
H1205 MORTGAGE FEES
H1206 HEALTH INS./MENTAL HLTH PRECERT.
H1207 ELIGIBILITY FOR STATE HEALTH BENEFITS
H1208 DIFFERENTIATED PAY FOR TEACHERS/ST
H1210 OPEN HEART TREATMENT BEDS
H1214 RESTRUCTURE ELECTRIC SERVICE
H1227 BULLET PROOF VEST/COMMIT FELONY
H1228 RESTORATION OF RIGHTS
H1229 STUDY HUNGER AND NUTRITION
H1235 EDUCATION ENTERPRISE ZONES
H1236 VOTERS APPROVE TAXES
H1239 PROHIBIT "BOXCARRING" MISDEMEANOR
H1242 MODIFY BD. OF GOVS. TERMS
H1244 HONOR W. D. MIZELL
H1249 TRUCKING SAFETY STUDY
H1256 RESIDENTIAL CONTRACTOR LICENSING S
H1259 GENERAL LAW CHANGES - 2
H1260 GENERAL LAW CHANGES - 1
H1261 SEARCH PROBATIONER OR PAROLEE
H1262 HEALTH STATUS DISPARITY TASK FORCE
H1264 RACE-BASED ADMISSION POLICIES
H1266 SPECIAL NEEDS CHILDREN/STUDY
H1268 AMEND EDUCATION LAWS - 2
H1269 AMEND EDUCATION LAWS - 3
H1270 AMEND EDUCATION LAWS
H1276 CAMPAIGN REFORM ACT OF 1999
H1280 SPECIAL AUDITS
H1287 STOP SPAM
H1363 STUDY GROUP B STREPTOCOCCUS
H1365 STUDY G.S. CHAPTER 51
H1377 MAGISTRATES' SALARIES LRC/FUNDS
H1385 STUDY REG. OF ADULT CARE HOMES
H1386 LRS STUDY FERRY DIV. PRIVATIZATION
H1389 SIMPLIFY STATE AND LOCAL SALES TAX
H1391 WAKE COUNTY FUNDS
H1403 FUNDS FOR MISSING CHILDREN
H1412 TAX LAW CHANGES
H1413 BEVERAGE CONTAINER DEPOSIT STUDY
H1423 APPROPRIATION BILL - 1
H1424 APPROPRIATION BILL - 2
H1425 APPROPRIATION BILL - 3
H1435 SPECIAL NEEDS CHILDREN/SUDY
H1445 FUNDS FOR STUDY
H1446 SFE GUN STORAGE STUDY
H1451 STUDY CASH CONVERTERS
H1461 STUDY PATIENT RIGHTS
H1464 WASHINGTON COUNTY BICENTENNIAL
H1467 VOTERS MUST APPROVE TAXES
H1468 GROWTH MANAGEMENT ACT OF 1999
H1469 STUDY TAX INCENTIVES
H1475 PUBLISH REVENUE-NEUTRAL TAX RATE

H1483 STUDY TRAVEL/TOURISM INCENTIVES
H1484 RECOGNIZE DAV AUXILIARY
H1492 ELECTION SUPERVISOR SALARY STUDY
H1505 AMEND LEG. TUITION GRANTS
H1516 DUCKS UNLIMITED PLATES
H1526 HUNGER PROGRAM STUDIES
H1528 STUDY CHILD SUPPORT SYSTEM
H1531 BUNCOMBE CO. PRODUCT DEVEL. FUND
H1532 FTIBRTD POINY-NO CHILD RESTRAINT
H1538 EXTERNAL REVIEW/MANAGED CARE
H1543 CAMDEN OCCUPANCY TAX
H1547 CLOSING THE ACHIEVEMENT GAP
H1548 TECHNOLOGY INFRASTRUCTURE STUDY
H1570 RAISE LEXINGTON OCCUPANCY TAX
H1576 AUTHORIZE FAM. CHILD CARE HOMES BI
H1599 MITCHELL RIVER-RAFTING USER FEE
H1600 DISPLAY US & NC FLAGS/FUNDS
H1614 ADD. NOTICE/MINING PERMIT APPLICATION
H1619 SAFE STORAGE OF FIREARMS
H1623 REAUTH. SMALL FAMILY FARM PRES. CO
H1627 ENFORCE GUN LAW AT GUN SHOWS
H1650 REVISE CITY DISTRIBUTION FORMULA
H1652 S.A.D. STUDY FUNDS
H1654 LEE LOCAL SALES TAX
H1658 FIREMEN'S RELIEF/APPEAL FROM FORFE
H1665 FUNDS FOR PERMANENT FORESTRY MECHA
H1678 STUDY RAPIST PARENTAL RIGHTS
H1681 LRC STUDY FRIVOLOUS LAWSUITS
H1683 STUDY SYRINGE EXCHANGE PROGRAM
H1684 USE TAX CREDIT
H1694 SWAIN COUNTY ADVISORY REFERENDUM
H1700 LRC STUDY HOMESTEAD EXEMPTION
H1701 DOC EMPLOYEE IMPROVEMENT FUND
H1702 COMM. COLL. TUITION/LEGAL IMMIGRAN
H1704 2000 APPROPRIATIONS ACT-1
H1705 2000 APPROPRIATIONS ACT-2
H1708 CAMA-HISTORICALLY URBAN AREAS
H1709 NO SALES TAX ON FREE PUBLICATIONS
H1717 INDIAN CULTURAL CENTER AMENDMENT
H1720 GARNER TRAFFIC SAFETY
H1721 FUQUAY-VARINA TRAFFIC SAFETY
H1722 KNIGHTDALE TRAFFIC SAFETY
H1724 COMM. OF INDIAN AFFAIRS/LEASE
H1725 NC MARITIME MUSEUM PLATES
H1726 TEACHER RETIREMENT ELIGIBILITY
H1729 ST. EMP. TELECOMMUNICATIONS COSTS
H1734 AUX. POLICE PENSION STUDY/FUNDS
H1735 HARNETT LOCAL SALES TAX
H1746 STATE PURCHASING SYSTEM ENHANCEMEN
H1750 LRC STUDY SEIZED PROPERTY
H1751 MCDOWELL JUNKYARD ORDINANCE
H1752 CARY TRAFFIC SAFETY
H1754 EXTRA FUNDING FLEXIBILITY/COMM. CO
H1755 BOLTON HEALTH/SR FUNDS
H1758 RAISE AVERASBORO ROOM TAX
H1761 HEALTH STATUS OF WOMEN
H1766 VICTIMS' RIGHTS/STUDY/FUNDS
H1771 MIDLAND INCORPORATION
H1774 ADVIS COMM. MEMBERS CONFLICT
H1778 INCREASE FEE FOR EMERGENCY PLANNIN
H1782 DOC EMPLOYEE STUDY/FUNDS
H1789 REALLOCATE WATER BOND FUNDS
H1790 SAMPSON HISTORICAL RESTORATION FUN

H1791 PENDER HISTORICAL MARKERS FUNDS
H1797 BOG STUDY UNC SYSTEM
H1799 FOREIGN LANGUAGE IN ELEM. SCHOOL/S
H1809 NO SALES TAX ON TRADE-IN BOATS/ATV
H1815 AMEND CLEAN WATER TRUST FUND
H1816 GENDER EQUITY REPORTING
H1820 FIREFIGHTERS' MEMORIAL WEEK
H1821 COUNTY VETERANS CONVENTION FUNDS
H1822 EXPAND FIREARM ENHANCEMENT/FELONIE
H1826 SCHOOL COUNSELORS/LEGISLATIVE STUD
H1835 INSURANCE AVAILABILITY STUDY
H1837 PRIVATE SCHOOLS/DEBT SETOFF
H1841 SNAKE KILLING LEGAL/STUDY/FUNDS
H1846 HELP MOM SAY NO TO DRUGS STUDY
H1847 SCHOOL CALENDAR LAW CHANGES
H1849 INCREASE RAINY DAY FUND AMOUNT
H1856 UNC MILLENNIAL CAMPUSES
H1857 COIN-OPERATED MACHINE PRIV. TAX
H1859 ELIMINATE USE VALUE ROLLBACK
H1861 HONOR MILITARY DOG HANDLERS
H1863 HONORING KOREAN WAR VETERANS
H1866 HONORING EDGAR TUFTS
S0008 SESSION LIMITS IMPLEMENTING
S0009 SESSION LENGTH LIMITS
S0095 MODIFY C.C. AND UNC BD MEMBERSHIP
S0286 LOCAL OPTION HOMESTEAD RELIEF
S 311 MODIFY SUMMONS UNDER RULE 4
S 595 MODIFY NE REGIONAL COMMISSION
S 690 DISTRICT COURT ELECTIONS NONPARTI
S 735 COMM. COLL. TRUSTEE ELIGIBILITY
S 800 EN BANC PROCEDURE
S 908 REVISE UCC WAREHOUSE RECEIPTS
S1019 LTD. ENTRY BY SURVEYOR
S1089 MANAGED CARE STUDY
S1132 ENV. TECH. CORRECTIONS
S1174 HONORING HENDERSON D. MABE, JR.
S1225 HONORING REV. EDGAR TUFTS
S1285 LITTER PREVENTION SPECIAL PLATE
1484 LOCAL OPTION HOMESTEAD RELIEF
S1496 STATE PROPERTY TRANSFER
S1541 DISPOSITION OF STATE PROPERTY
S1549 UNC MILLENNIAL CAMPUSES

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1999

S

2

SENATE JOINT RESOLUTION 1558
Corrected Copy 7/7/00

Sponsors: Senators Rand; Albertson, Ballance, Ballantine, Basnight, Carpenter, Carrington, Carter, Clodfelter, Cooper, Dalton, Dannelly, East, Forrester, Garrou, Garwood, Hagan, Harris, Hartsell, Horton, Jordan, Kerr, Kinnaird, Lee, Martin of Guilford, Metcalf, Miller, Moore, Odom, Perdue, Phillips, Plyler, Purcell, Reeves, Robinson, Rucho, Shaw of Guilford, Soles, Warren, Webster, Weinstein, and Wellons.

Referred to: Rules Suspended; Passed 2nd & 3rd; Sent to House.

July 7, 2000

- 1 A JOINT RESOLUTION PROVIDING FOR ADJOURNMENT SINE DIE OF THE
- 2 GENERAL ASSEMBLY.
- 3 Be it resolved by the Senate, the House of Representatives concurring:
- 4 Section 1. When the Senate and the House of Representatives,
- 5 constituting the 1999 Session of the General Assembly, do adjourn on Saturday, July
- 6 8, 2000, they stand adjourned sine die.
- 7 Section 2. This resolution is effective upon ratification.

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1999

S

D

SENATE JOINT RESOLUTION 1558
Corrected Copy 7/7/00
Proposed Committee Substitute S1558-PCS2871-RW001

Sponsors:

Referred to:

July 7, 2000

1 A JOINT RESOLUTION PROVIDING FOR ADJOURNMENT SINE DIE OF THE
2 GENERAL ASSEMBLY.

3 Be it resolved by the Senate, the House of Representatives concurring:

4 Section 1. When the Senate and the House of Representatives,
5 constituting the 1999 Session of the General Assembly, do adjourn on Thursday, July
6 13, 2000, they stand adjourned sine die.

7 Section 2. This resolution is effective upon ratification.

**2000 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES**

The following report(s) from standing committee(s) is/are presented:

By Representative(s) **Culpepper** for the Committee on **Rules, Calendar and Operations of the House.**

Committee Substitute for
S.J.R. 1558 A JOINT RESOLUTION PROVIDING FOR ADJOURNMENT SINE DIE OF
THE GENERAL ASSEMBLY.

- With a favorable report.
- With a favorable report and recommendation that the bill be re-referred to the Committee on Appropriations Finance .
- With a favorable report, as amended.
- With a favorable report, as amended, and recommendation that the bill be re-referred to the Committee on Appropriations Finance .
- With a favorable report as to ^{HOUSE} committee substitute bill (# ^{JOINT RESOLUTION}), which changes the title, unfavorable as to ~~(original bill) (Committee Substitute Bill #)~~ ^{SENATE JOINT RESOLUTION} ~~(and recommendation that the committee substitute bill #)~~ be re-referred to the Committee on ~~_____~~.
- With a favorable report as to House committee substitute bill (# _____), which changes the title, unfavorable as to Senate committee substitute bill.
- With an unfavorable report.
- With recommendation that the House concur.
- With recommendation that the House do not concur.
- With recommendation that the House do not concur; request conferees.
- With recommendation that the House concur; committee believes bill to be material.
- With an unfavorable report, with a Minority Report attached.
- Without prejudice.
- With an indefinite postponement report.
- With an indefinite postponement report, with a Minority Report attached.
- With recommendation that it be adopted. (HOUSE RESOLUTION ONLY)

5/25/00

VISITOR REGISTRATION SHEET

Rule 7-13-00
 Name of Committee Date

VISITORS: PLEASE SIGN BELOW AND RETURN TO COMMITTEE CLERK

<u>NAME</u>	<u>FIRM OR AGENCY AND ADDRESS</u>
<u>Greg Lucas</u>	<u>ACCU-NC</u>
<u>Mattie English</u>	<u>Charlotte Chambers</u>
<u>Robert PASQUAL</u>	<u>Young, Moore</u>
<u>Robert Wilson</u>	<u>Sec. of State</u>
<u>John McMillan</u>	<u>Mary Felt + Skura PA.</u>
<u>Ed Ryan</u>	<u>N.C. Assoc. of Co. Comm</u>
<u>Walt Sted</u>	<u>CCNEI</u>
<u>Chris Porter</u>	<u>Bone Associates</u>
<u>Marshall Lindsay</u>	<u>Jordan Rice</u>
<u>Rick Sappie</u>	<u>NC DOT</u>
<u>BILL SCOGGIN</u>	<u>KENNEDY LOVINSON</u>
<u>John Rainey</u>	<u>Payne & Spruill</u>
<u>Ken Wright</u>	<u>RLB'S INC</u>
<u>Allyson B. Rutledge</u>	<u>WOC GA</u>
<u>Ann Dupree</u>	<u>NCAPP</u>
<u>Lou Ann Harris</u>	<u>LATA</u>
<u>Fat Yancy</u>	<u>APP</u>
<u>Debrah Best</u>	<u>ACLU</u>
<u>Soren Schmidt</u>	<u>NC Justice Center</u>
<u>Ker Smith</u>	<u>NCCCA</u>
<u>Jim Upham</u>	<u>CPAL</u>
<u>John Taylor</u>	<u>Kyle Law Firm</u>
<u>Anna Wain</u>	<u>WCCADV</u>
<u>John McCallum</u>	<u>Moret Van Allen</u>
<u>PAUL STOCK</u>	<u>NC BANKER ASSN.</u>